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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

9° VICTORIÆ, 1846.

VOL. LXXXV.

COMPRISING THE PERIOD FROM

THE TWENTY-FOURTH DAY OF MARCH,

TO

THE FIRST DAY OF MAY, 1846.

Third Volume of the Session.

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1846.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 22 JANUARY, 1846, IN THE NINTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, March 24, 1846.

MINUTES.] *Sat first.* Lord Abercromby, after the death of his Father.

PUBLIC BILLS.—*Reported.* South Sea Company; Consolidated Fund; Insolvent Debtors (India).

3ª. and passed. Print Works.

Received the Royal Assent. Metropolitan Buildings; Fever (Ireland).

PETITIONS PRESENTED. By the Earl of Clancarty, from Members of the Medical Profession of Newmarket-on-Fergus, complaining of Inadequate Remuneration for certain Services, and praying for Relief.—By the Bishop of Oxford, from Cambridge and Oxford, praying that the Act 6 and 7 Will. IV. cap. 77 may be repealed, so far as relates to the Union of the Dioceses of Saint Asaph and Bangor.

HOUSE OF COMMONS,

Tuesday, March 24, 1846.

MINUTES.] PUBLIC BILLS.—1°. Art Unions.

2°. Indemnity.

3°. and passed. Mutiny; Marine Mutiny.

PETITIONS PRESENTED. By Viscount Ebrington, from Members of the Wesleyan Methodist Association, Cornwall, for Better Observance of the Lord's Day.—By Mr. Redhead Yorke, from Roman Catholic Electors of the City of York, in favour of the Roman Catholic Relief Bill.—By Mr. Ormsby Gore, from an immense number of places, against a Repeal of the Corn Laws.—By Mr. Hume, from Merchants, Shipbuilders, and others, of Leith, and by Mr. Thornely, from Members of the American Chamber of Commerce, Liverpool, for a Reduction of Duty on Timber.—By Mr. James Morrison, from Inverness, in favour of Burghs (Scotland) Bill.—By Mr. Cripps, from Solicitors of Her Majesty's High Court of Chancery, for Inquiry respecting Compensations.—By Sir Benjamin Hall, from Inhabitants of the Parish of St. Pancras, against Union with other Parishes.—By several hon. Members, from various places, for Limiting the Hours of Labour in Factories to Ten.—By Colonel Ferguson, from Kirkcaldy, against the Factories Bill.—By Mr. Masterman, from several Benefit Societies, for Alteration of Law respecting Friendly Societies.—By Mr. M'Carthy, from Governors of Medical Charities of the City of York, for Better Regulation of Medical Charities (Ireland).—By Dr. Bowring, from Yarmouth, against Enrolment of Militia.—By Mr. Morgan, from several Persons, for a Superannuation Fund for Poor Law Officers.—By Dr. Bowring, from Newport, against War.

LICHFIELD FREE SCHOOL.

VISCOUNT INGESTRE said, he had to bring under the consideration of the House the petition of Thomas Wood, the proprietor of the *Wolverhampton Chronicle*. [Hon. MEMBERS: Move, move.] He said he had a short statement to make, and the House had better hear him without interruption—it would be the shorter plan; because, if not, he would take the liberty of moving the adjournment of the

House. The petitioner had copied the report of a Government Commissioner on Education in respect to Lichfield Free School. An action was brought against him for libel. A verdict was had against him, which, together with costs, amounted to 300*l.*, while the actual publisher of the report got off with only a nominal verdict. On the 6th May, 1844, he stated his case to the right hon. Baronet the First Lord of the Treasury; but no answer was vouchsafed by the right hon. Gentleman. He then wrote to Mr. Allan, who, besides being the Government Commissioner, was chaplain to the Bishop of Lichfield, and also held a high office in the London University, asking him whether the report was published by order of the House, and if so, whether it were not privileged? To that communication he received no answer. On the 30th of July he again wrote to Mr. Allan, asking for some pecuniary assistance, which, under the circumstances, he considered himself entitled to. Again, there was no answer. A memorial was then sent up to the Treasury, signed by the corporation of Lichfield and Mr. Wood, but it was not entertained. Now, he considered Mr. Wood's case one of very great hardship. The report in question was made by Mr. Allan to that House, and was ordered to be printed; so that he considered the case pretty much like that of "Stockdale and Hansard." Surely an editor of a paper, in the discharge of his duties to the public, had a right to suppose that a Report gravely presented to that House by a Government Commissioner was true, and that he had a right to lay it before his readers without being visited by a heavy pecuniary fine. An action had also been commenced against the publisher of the report, who was defended by the Solicitor to the Treasury; after being in communication with Mr. Wood up to the trial, without any notice to him, the counsel for the publisher apologized for the inaccuracy of the report, and a verdict of 40*s.* was taken, which 40*s.* had been paid by the Treasury, who refused to defend Mr. Wood, after taking away from him the only defence he had; the consequence was that a verdict passed against him for 50*l.*, although it was clear that there was no malice on his part; and he had offered to apologize and give up the name of the party who furnished him with the report. He thought the case one of considerable hardship, and he had been induced to bring it under the consideration of the House, because he thought it involved an important principle—viz., whether newspapers, which were daily more and more becoming the organs and directors of public opinion as well as its vehicles, were to be mulcted in damages for publishing the report of a Government Commission which had been ordered to be made public by that House. Having thus stated the case he should not dwell upon it, but should conclude by moving for a copy of the memorial presented to the Treasury respecting the trial which had taken place.

Lord J. RUSSELL said, he had not heard the observations of the noble Lord in such a manner as to be enabled to form a judgment of the merits of the case. He therefore thought it would be unfair that he or the House should be called upon now to decide upon the subject; but whatever might be the ultimate decision of the House, he wished to observe that the public was not only anxious but deeply interested in the speedy settlement of the question which the right hon. Gentleman had brought under the consideration of the House—namely, the Corn Bill. He, therefore, thought it would be unreasonable to proceed with this Motion, as he did not find that other hon. Gentlemen who had Motions on the Paper were disposed to press them; and he thought it would not be unreasonable to move that the Order of the Day be now read. The House had heard the statements of the suspense and inconvenience which prevailed in the manufacturing districts, where it appeared a great proportion of the labouring classes were only maintained in work at the present moment from the consideration that it would be ungenerous not to supply them with work while the question was under the consideration of Parliament. This being the case, it appeared to him that to enter upon considerations of this kind would be most unfair; and he should, therefore, move the previous Question.

Sir ROBERT INGLIS moved that the debate be adjourned.

After some conversation the debate was adjourned to March 31.

CUSTOMS AND CORN IMPORTATION REPORT.

The Order of the Day having been read for continuing the debate on the Second Reading of the Corn Importation Bill,

Viscount POLLINGTON said, that it was with great pain that he rose to express his opinion against the present measure of the Government. He had for years given

a firm, but, as his votes upon the Maynooth Bill would show, not a blind support to Her Majesty's Government. He asked, therefore, the indulgence of the House whilst he explained the reasons which induced him to give his vote against the measure. He entered upon this question unfettered. He had never been a member of a protection society, and had never attended a protection meeting. He had always thought that those who supported protection ought to show that they could provide a sufficient supply for the exigencies of the country; and as he had felt some difficulty upon this point, he had never closely allied himself with those with whom he would vote that night. But he had said before, and he said now, that he would rather vote for a total repeal under the noble Lord opposite, than under the right hon. Baronet. Much had been said of compensation; and the agricultural interests surely had a right to expect, that when the right hon. Baronet had taken away their protection, he would also have removed their burdens. Farmers were called upon to educate their children expensively, and to apply science to farming; but if they were called upon to do this, they might surely be allowed to cultivate the soil in the way they pleased. They might be permitted to grow hops and tobacco, and to use barley for fattening their cattle. What were the compensations offered to the agricultural interest? As to the Bill of Settlement, it was no compensation. The right hon. Baronet might just as well have passed Lord Ashley's Bill. The measure was due to humanity, but would be of no benefit to agriculture. As to the Highways Act, he could not understand how that would operate as a compensation. From the time that Joseph had been prime minister in Egypt, no measure had been better adapted to bring the soil of the country under the surveillance of the Government than the measure which on this subject they now proposed. If the right hon. Baronet had admitted colonial corn duty free, he would not have objected. By so doing, he might have rendered more close the connection between the Colonies and the mother country, and made the Colonies an integral part of the Empire. Jealousy had once existed betweeen the mother country and the Colonies, but that time had passed away. Once there had been a jealousy between England and Ireland, as was proved by a letter from an ancestor of his to the great Lord Strafford, and by the difference which had arisen between Mr. Burke and his constituents. But those days had passed, and the Government might have protected the colonial interests without exciting any jealousy at home. The plan now adopted of supporting foreign trades, and of opposing the colonial and domestic interests, was to him a strange one. He did not believe that any advantage would be obtained by these free-trade measures, even from the free States of the Zollverein, or from France. From Naples the right hon. Baronet himself expected nothing. He had himself found that English ships were in the habit of sailing from Beyrout in ballast, although the finest tobacco was growing in the neighbourhood of that place; and on asking the reason, he was told it was on account of the exorbitant duties we levied on the import of the article. Then, as to China, if we had happened to have a small establishment in this country engaged in the preparation of British tea, there would have been some chance of a reduction of the duty upon the import of that commodity from China. But in the right hon. Baronet's opinion, it seemed essential that a duty should be in favour of some protected interest to insure its remission or reduction. Therefore upon hops, the duty was reduced, while upon tobacco it was retained. So, as to brandy: there was a trade in British brandy which required protection; therefore the Government reduced the duty upon foreign brandy, and retained it upon other articles in which there was no home competition. But both as to brandy and as to wine, the duty could not be considered improperly levied; and if wine was the luxury of the rich man, it ought not to be forgotten that tea and tobacco were emphatically the luxuries of the poor man. In respect to corn, was it necessary to cripple our own resources while professing to be anxious to augment them? He did not take the gloomy view of existing exigencies which the Government appeared to take. But he would say, that if agriculture were fostered as it ought to be—while applying a temporary remedy to a temporary necessity—security might be taken against the recurrence of the evil; and the immediate supply might be acquired from our own Colonies. No country was better fitted for the production of maize, for instance, than Australia, as to which Colony the Government had, no longer ago than last year, refused to

permit any relaxation of the Corn Law, now to be so suddenly repealed. There was another reason why he deprecated a dependence on other countries, and preferred a recourse to our own Colonies. That reason was, that we might not run the risk of a sudden interruption, by means of war. And here, he might allude to a former opinion of the noble Lord the Member for the West Riding, as to whom he could cordially declare, that since the noble Lord's cause, which he had so consistently and honourably championed—had been fated to triumph, he rejoiced that it had triumphed in the noble Lord's person. That noble Lord had once [alluding to an early effusion of Lord Morpeth's pen] impressively alluded to the position of Rome when invaded by Alaric, and the famine to which the Empire was speedily reduced, in consequence of the interruption of those foreign supplies of grain on which Rome had for a long time previously become dependent. Whatever apprehension, however, might be entertained for the future fate of England in reference to her supplies of corn, he acknowledged he entertained far greater fears on account of the moral and social evils likely to result from the manner in which this measure had been promoted and proposed. Without desiring to say any thing personally offensive, he could not avoid expressing his opinion that it was more to the agitation than to the arguments of the League that the Government had yielded. And the right hon. Baronet at its head, might well be addressed by the agriculturists in the memorable words of the celebrated warrior of old—"Destroy us if you will, but at least destroy us in the light of day!" If the right hon. Baronet had only intimated to his adherents that the reformed sliding-scale was only intended to last as long as the good harvests, and that it would be removed by the first unfavourable season, many excellent speeches would have been saved. The House would not have lost some valuable Members; and others, like the hon. Member for Bridport, would have been relieved from the necessity of some useless journeys. Many letters had been published by Members to their constituents—some resigning their seats, some offering to resign, and some refusing to resign. From one of the former class he would read a few lines—the letter of one who, in the course of no inconsiderable career, had never sought a personal honour or advantage, and whose efforts had been devoted to the cause of humanity—he alluded to Lord Ashley, who thus addressed his constituents:—

> "Although no pledge was asked or given at my election, I should be acting in contravention of an honourable understanding between myself and the electors on this particular subject, if I retained my seat and voted for the Ministerial measure."

Now no Member had ever taken his seat less pledged or fettered than that noble Lord; and he put it to others, whether the example of such men as Lord Ashley and others, were not worthy of being pondered over ere it was utterly disregarded? To those who professed that their opinions had been avowed in favour of the principle of the Ministerial measure before it was announced, he had nothing to say. He assumed that their course was clear and straightforward. At all events, as to his own course on this occasion, he entertained no doubt or misgiving. He distrusted the measure. He had deep apprehension and doubts as to the means by which it had been promoted; and no political prejudices, no deference to any men, would induce him to support it.

Mr. PLUMPTRE said, connected as he was with a large and important agricultural county, which the right hon. Baronet the Home Secretary had himself a year or two ago declared would be among those in which the repeal of the Corn Laws would soonest throw land out of cultivation. He wished to say a few words upon this measure, which he conceived to be equally perilous, rash, and unjust. The reasons which had been given for its sudden adoption seemed to him suspicious, insufficient, and unsatisfactory. And though the right hon. Baronet, who professed to have been so quickly converted, considered that their former speeches in favour of protection were disposed of by being simply abandoned, it was not quite so easy to get rid of the facts, the principles, and the arguments on which those appeals had been founded. Nor could he dispose so easily of the convictions he had formed as to the necessity of protection for all branches of British industry. He did not consider it as a landlords' question: though aware that it would seriously affect the smaller classes of landowners—in whose circumstances the projected change would work serious distress and embarrassment. He viewed it principally, however, as a labourers' question. He had been surprised to hear it so confidently asserted that there was no con-

nection between low wages and low prices. He maintained, upon the contrary, that the price of bread directly influenced the rate of wages, and that the latter regularly rose and fell with the former. His own experience and observation had satisfied him of this. He had been engaged practically in agriculture for about twenty years, and had access to the farming accounts of those who had gone before him; and he knew that during the last half century the price of bread had influenced the rate of wages as much as 100 per cent. When corn had been high, wages had been 18*s.* a week in his own county; and when corn had been low, wages had been 9*s.* a week. A year or two ago, when corn was low, wages in Kent were 10*s.* a week. Before the last harvest they were at 12*s.* When corn rose at the time of last harvest they were at 13*s.* 6*d.*, and recently, corn having fallen, they were at 12*s.* How could it be denied, then, that wages rose and fell with the price of corn? When corn was low, the farmers employed few labourers, and those they retained they paid at lower rates. The retail tradesmen, having less custom, sent smaller orders to the wholesale dealer; the master manufacturers, experiencing thus in their turn the depressing influence, employed a diminished number of operatives, and paid them at a reduced rate; and so it seemed as natural and inevitable a consequence as any that could arise from the relation of cause and effect, that wages rose and fell with prices, and that poverty increased as prices were lowered. Of this opinion had been the right hon. Baronet at the head of the Government, when, in 1839, he thus addressed the House:—

"Look over the whole world, and you will find that low prices of food lead to low rates of wages, and that where there is a low rate of wages there is a great degradation in the character of the working classes. Look at the Hindoos, or at the Sicilians, in their respective countries: food is cheap, but the rate of wages is also extremely low, and hence there are not in Asia or Europe more miserable and degraded races."

There was another part of the subject on which he wished to remark, and upon which he should also have to quote the right hon. Baronet. He alluded to the effect of the measure on tithes. At the commutation of tithes the clergy had given up their right to share in the advantages of the advance of agriculture, in which advantages they had a just right to participate, as their duties were proportionately augmented, along with an increased population; and at the passing of the Commutation Act wheat was at an average price of 56*s.*, and barley of 32*s.* Now there was every reason to believe, under the proposed measure, corn would fall considerably; and if the clergy, instead of having the value of a certain quantity of corn at those prices of 52*s.* and 32*s.*, were to have it at prices of 40*s.* and 20*s.*, the result would be that they would be robbed by this measure of one-third of their incomes. In 1839, the right hon. Baronet had declared that the repeal of the Corn Laws would, after the Commutation Act, be a "gross fraud" on the clergy and on Parliament. He begged to repeat the expression of the right hon. Baronet. The measure was indeed a "gross fraud;" and it perpetrated upon the clergy a grievous wrong and robbery. For his own part, indeed, he hesitated not to affirm that the conduct of the Government on the question was as difficult to explain as it was painful to contemplate. Sir (continued the hon. Member), this to me is the most serious and painful view of the subject. We do not now know where to look for public men, in whose character and consistency we can confide. If ever there were men who were naturally looked up to and relied on, it was the Members of the present Administration; and certainly, what has recently occurred tends to inspire me with a distrust for public men, and a positive disgust for public life. The failure of the potato crop, the ostensible cause of this movement on the part of the Ministry, is regarded as a most unsatisfactory and suspicious pretext; and the impression is general that the movement was brought about by the proceedings of a most unconstitutional body—the Anti-Corn-Law League—to the pressure of which the Government has unhappily yielded. Having conceded to the pressure of that League, and allowed that body to attain its ends, is it not to be apprehended that other leagues will be formed, encouraged to attempt the attainment of other ends by similar combinations? Perhaps you may at some future time find it expedient to alter your opinions as to the Chartist claims, and to relinquish your dislike of universal suffrage. What security can we have that you may not thus be induced to venture further on the dark and dangerous ocean of expediency, until this highly-favoured nation becomes exposed to imminent peril, and this wisely limited monarchy is plunged into the convulsions of a wild and uncontrollable democracy. May He "who is

over all" grant that my fears may not be realised! May He, in His great mercy, deliver this great country from the dangers into which (in my conscience I believe) she is now exposed! I have considered the question, Sir, according to the best of my ability and judgment, and upon my conscience I believe that I shall be promoting the best interests of this country by continuing to give to the measure the decided opposition which I have already offered to it—an opposition which I have given from my most inmost conviction, and which I shall continue to give in the firm persuasion that, if the measure were carried, it would inevitably produce the degradation and the ruin of the working population of this country, and do irreparable injury to the empire at large.

Mr. HAWES did not hesitate to give his warmest support to the Ministerial project. He was sure that it would be highly advantageous to the country; there was a very general impression to the same effect out of doors, as was testified by the fact that petitions were presented to the House from London, Liverpool, Birmingham, Manchester, the great towns and cities of England, praying that the question might now be settled, and that the measure proposed by Her Majesty's Ministers might be passed without any unnecessary delay. There never was a political movement which had received less of sympathy and countenance out of the House than that which Gentlemen opposite were endeavouring to get up in favour of protection principles. They protested with unbounded indignation against any alteration of the silk duties, and declared that it would be ruinous to the trade; but it was worthy of remark that but few of the silk manufacturers joined in this cry, or sanctioned the opposition. The same fact had occurred in the case of timber also; and yet these Gentlemen talked as though it was they alone who stood between the English manufacturers and absolute destruction. He would venture to say that in obstructing those measures hon. Gentlemen opposite had not sufficiently studied and appreciated either the temper or the information of the people, and that they would find out of doors nothing like the support or sympathy they expected. But he was glad to perceive that this debate had been contradistinguished favourably from the previous debate on the subject; and with one exception there had been an absence of that vituperation which characterized almost exclusively the debate on the former occasion. He hoped that on this occasion hon. Gentlemen would condescend to argue the question, and would state some intelligible reasons which might be grappled with when they raised objections to the measures which Her Majesty's Ministers had proposed. It was no business of his to defend Her Majesty's Ministers; but this he would take upon him to say, that there was nothing in which the people out of doors took less interest than in the vituperation and abuse of the Government which had hitherto formed the staple of their debate. When this case had been argued, he thought that hon. Gentlemen opposite would have shown that that protection on which they said the interests of agriculture entirely hung, had at some period or other effected the object they had in view. But he would undertake to show this, that there never had been a period from the year 1815, when the first great innovation in the old Corn Law system of England had been introduced, in which Agricultural Committees, and most eminent agricultural authorities, had not condemned the laws, and the principles of those laws, which those Gentlemen now sought to uphold. And when he was now told that protection was essential to agriculture, that a Corn Law was necessary, and that a sliding-scale could not be departed from without injury to agricultural interests, he looked back to former times, and he found that at all periods of agricultural distress there was evidence to show the utter inefficacy of any Corn Law that had hitherto been introduced. Let him refer in the first instance to one of the grounds on which the Corn Law of 1815 was defended by one of its most eminent supporters. Sir Henry Parnell said—

"But such measures would not be requisite were there no legislative interference whatever in matters of trade. If capital was left quite free from the interposition of laws giving encouragement to its investment in every species of manufacture and every branch of trade, there would be no necessity for any Parliamentary regulation. It is in order to counteract the perpetual operation of the system of bounties, monopolies, and protecting duties, in taking capital from agriculture, that any law in favour of the corn trade becomes desirable. If every kind of trade were perfectly free, agriculture would not require any protection; but as every kind of trade is supported by some sort of legislative aid, it is folly to refuse it to that trade which is the main support of all others. If all those who are now concerned in manufactures and commerce will consent to adopt the system of a perfectly free trade, those who are now advocates for restraints on the im-

portation of corn will willingly abandon, on their part, all claim to any such protection."

And here let it be observed that the time was come when other branches of trade in the country repudiated protection; and, if they complained of anything, it was that there was too much of the principle of protection included in the Tariff. Here then was the Mover for the Committee at that period, who said he advocated the measure because manufacturers were protected inordinately; but that their protection being removed, there would be no ground on which any longer to defend the protection of corn. The law of 1815 was passed; and he asked had that law been successful? There was then perfect protection; protection carried to the extent of prohibition; and he asked the Gentlemen opposite to have the goodness to tell him if that law had been successful or useful to the agriculturists. He would turn to the Report in the year 1821 of the Agricultural Committee in answer to this question; and he begged to be permitted to say that Agricultural Committees in those days were appointed by Parliaments in which the landed interest had an overwhelming ascendancy. Since the passing of the Reform Bill, the constitution of that House had been materially altered; and no Committee to inquire into the state of agriculture could now be appointed without there being probably included in it individuals interested in the trade and commerce of the country; but at the time to which he referred an Agricultural Committee was almost certain to be composed exclusively of landed proprietors; and yet a Committee so constituted condemned in the strongest terms the law of 1815. He would invite hon. Gentlemen opposite to attend to that Report. What then did the Report of 1821 say, after an experience of six years? It stated that—

"This system is certainly liable to sudden alterations, of which the effect may be, at one time, to reduce prices, already low, lower than they would probably have been under a state of free trade; and at another, unnecessarily to enhance prices already high; to aggravate the evils of scarcity, and to render more severe the depression of prices from abundance. On the one hand, it deceives the grower with the false hopes of monopoly, and by its occasional interruption may lead to consequences which deprive him of the benefit of that monopoly when most wanted. On the other hand, it holds out to the country the prospect of an occasional free trade, but so regulated and desultory as to baffle the calculations and unsettle the transactions both of the grower and the dealer at home; to deprive the consumer of most of the benefits of such a trade; and to involve the merchant in the more than ordinary risks of mercantile speculation."

That Report was drawn by Mr. Huskisson, and submitted to a Committee consisting of individuals representing counties, and large landed interests in those counties, and assented to by them again. The Committee of 1822 stated in their Report, that—

"Exclusion up to certain points, and perfect free trade beyond, had induced the agriculturist to regulate his outlay by the hope of monopoly profits, whilst, in fact, he obtained only the returns of free trade."

Such, then, was the testimony borne by Agricultural Committees to the protective system up to 1822. In 1822, and between that period and 1828, there was a great pressure on agriculture; and he asked was that pressure caused by an alteration in the law, or by the importation of corn? The importation of corn in those years was trifling, and could have had no effect on the markets. The average imports amounted to 244,000 quarters a year, and there was little or none introduced in 1821, 1822, 1823, and 1824. Therefore let it be remembered that it was not owing to foreign competition that low prices ensued. Now, with respect to the law of 1828, when a new system of protection was introduced, he asked, was that successful—did that law answer the objects for which it was passed? Why, the Report of 1833 was just as decisive with respect to the law of 1828 as the Report of the Committee of 1821 was with respect to the law of 1815. The Report (1833), after reciting and confirming the fact stated in the Report of 1821, that the charges and outgoings of the farmer were paid out of capital and not out of profits, continued—

"The Committee of 1821 expressed a hope 'that the great body of the occupiers of the soil, either from the savings of more prosperous times, or from the credit which punctuality commands in this country, possess resources which will enable them to surmount the difficulties under which they now labour.' Your Committee, with deep regret, are bound rather to express a fear that the difficulties alone remain unchanged, but that the savings are either gone or greatly diminished, and the credit failing, and the resources being generally exhausted; and this opinion is formed not on the evidence of rent-payers, but of many most respectable witnesses, as well owners of land as surveyors and land agents."

Such, then, was the result of the agricultural experience of the Corn Laws up to 1833, and which was recorded upon no less an authority than the right hon. Gentleman the Secretary of State for the Home

Department. It was then stated, as it is now, that low prices were not beneficial to the labouring population. But the answer was given at the time. He would now call the attention of the House to a very remarkable declaration of the late Lord Liverpool, who, in the year 1822, made use of the following language :—

"When the noble Earl says that the low prices incident to the distress which agriculture suffers, benefit no man, I answer that, although I sincerely wish the distress did not exist, I cannot be blind to the fact that they do benefit a great majority of the people. I have been at some trouble, my Lords, to ascertain the real state of the case, and I can pledge myself to the accuracy of this statement. In this metropolis, in which your Lordships are now sitting, never were the lower orders of the people in a better condition than they are at this moment. So that when the noble Earl says that the low prices incident to the distress of the agriculturists have not been beneficial to anybody, he certainly labours under a great mistake, for that distress, however much to be lamented in itself, is accompanied by a considerable benefit to a great proportion of the people."

Upon that declaration he would stand at this moment; and he would say further that they would find the great body of the community and the agricultural labourers invariably better off when prices were low and food was abundant than at any other periods. Let him now proceed to the next Committee, that of 1836, a Committee composed largely of individuals representing the landed interest. It was admitted that there was ample foundation for the opinion that, whatever was the state of the landlords and farmers' interests, on the whole the tenant was much better off than in any preceding year; and it would be difficult to assign any other cause for this than the lower prices of articles of human subsistence. Let it be remembered also that the law of 1828 was distinctly termed a delusion, and was so designated in the draft Report of the Committee of 1836, and subsequently published under the sanction of the highest authority in this House. That opinion was confirmed by some of the most eminent agriculturists of the country ; and there was a distinguished Member of that House (Mr. Woolridge Whitmore) who, in the same language, denounced the law of 1828 as a delusion. He (Mr. Hawes) contended, then, that protection was not beneficial to agriculture; and he now asked the hon. Gentlemen opposite how they intended to maintain any argument from experience in its favour ? The law of 1842 had failed; it had not secured steadiness of prices, it did exclude supplies when they wanted them; and further, when hon. Gentlemen opposite said they would consent to the opening of the ports, the admission was itself a condemnation of that law. It appeared that protection had not answered its purposes; and he proceeded now to ask, had they any experience of the working of what might be almost considered a free trade in corn? He thought to a certain extent that the law of 1773 was one practically establishing a free trade in corn. From 1773 to 1792 the imports of corn amounted to 4,114,995*l.*, and the exports to 2,473,214*l.*, leaving a balance of imports of 1,511,781*l.* During the same period the population increased from 7,100,000 to 8,100,000. There were, further, 460 Inclosure Acts passed, whilst the average price of wheat was 46*s.* The population had gone on increasing, trade was flourishing, agriculture was in a thriving condition, and no agricultural committees were appointed during the continuance of that law. But through the whole of such period, any one who would turn to the pages of Arthur Young would find that there was a great increase of cultivation, and at the same time our imports also greatly increased. The period to which he more particularly referred was from 1784 to 1789, of which the following table would give an accurate representation :—

Year.	Highest average price of Wheat in the London Market.	Lowest average price of Wheat in the London Market.	Difference.
	s. d.	*s. d.*	*s. d.*
1784	48 2	41 10	6 4
1785	37 5	34 6	2 10
1786	36 2	34 6	2 5
1787	44 10	36 1	8 9
1788	45 1	42 9	2 4
1789	54 11	47 0	7 11

That was a period when the corn trade was practically free, and there was little or no protection. He defied any one to show him a period when protection prevailed that the variation in the price of corn was less. But what so much contributed to the improvement of agriculture was certainly the thriving state of trade and manufactures; for about that period the steam-engine began to be applied to manufacturing purposes. In 1787, also, the Commercial Treaty with France existed, and the consequence was a great increase in the trade with that country ; at the same period peace had been restored with the United States, and in a short time the

trade that grew up with America became of increasing importance. That period was very analogous to the present day as regarded the measures introduced by Her Majesty's Ministers for relaxing the restrictions on commerce, by the opening of new markets, and by giving new employment to labour; therefore the same principles might be said to hold then as now, and thereby encouraging a spirit of enterprise, and an extension of our trade. When manufactures and the trading interests were in the most thriving condition, in consequence of the freedom from obsolete restrictions, and the invigorating influence of sound and just principles—principles which were practically in operation in the period referred to—agriculture flourished. They had been told that this measure would lower prices. He agreed with the right hon. Baronet that he would be a bold man indeed, after what had passed, who would venture to predict the future price of corn. He expected a fall in the price of corn when the trade in corn was no longer disturbed by Corn Laws. But, concurrently with this fall of prices, he anticipated a reduced cost of production. The advance of science, the facilities of transport, the cheaper conveyance of produce to market, longer production, all justified this expectation; and a larger share of the average taxation of the country was paid by the trading and manufacturing interests than at any former period. The agriculturists could therefore afford to contemplate the prospect of lower prices. But low prices had occurred under protective laws, not from foreign competition, but from the excess of home growth and production. Suppose we had an abundant harvest next year, which, under the blessing of God, he hoped would be the case, what would be the effect? They recollected, a few years ago, that wheat was down to 36*s.*; but did they remember the price of corn after a series of good harvests? He thought that it would be a wholesome proceeding to consider the price of corn when the Corn Laws were clearly inoperative. When they had a succession of good harvests, it was obvious that the Corn Laws would have no effect. From 1742 to 1748 there was not a single year in which corn was more than 30*s.* a quarter; and these were all years of war. In the year 1742, wheat was from 26*s.* to 29*s.*; 1743, 20*s.* to 23*s.*; 1744, 19*s.* to 21*s.*; 1745, 18*s.* to 20*s.*; 1746, 16*s.* to 24*s.*; 1747, 27*s.* to 30*s.*; barley, 8*s.* to 12*s.*; oats, 6*s.* 9*d.*; 1748, wheat, 26*s.* to 28*s.* Making all allowances for other and distinct causes, they would find that the average price of corn was far below what it was in modern times. Now, what was the state of the people at that time, as recorded by historians, as described by Arthur Young, and by Mr. Tooke in his invaluable history of prices? It appeared that there never was a period when the labouring population were in so thriving and good a condition. The hon. Member for Kent said that low prices would produce low wages. At that period, according to Arthur Young, "the average price of wheat was, for the whole of the seventeenth century, 38*s.* 2*d.* per Winchester quarter; and for the sixty-six years, 1701 to 1766, 32*s.* 1*d.*, being a fall of 16 per cent; while the average price of agricultural labour, which on the average of the seventeenth century had been 10¼*d.* per day, was for sixty-six years, ending in 1766, 12*d.*, or a rise of 16 per cent." So that through that long period of time there had been a steady decline in the price of food, and a considerable rise in the rate of wages. And it must be so; for the price of labour was not dependent on the price of corn; if there was a great demand for labour, there must be a rise in wages. No doubt the cost of subsistence depended upon the price of corn; but to argue that the rate of wages in a civilized country depended upon the price of corn was both monstrous and unjust. Nothing was more mischievous than the regulation of wages by the cost of subsistence. A skilful, intelligent, honest labourer was worth more, all other things the same, than an unskilful and dishonest one. To pay both by the cost of subsistence was injurious to the community, and, as he thought, injurious to the producer. Here, then, there was a proof that for a long period there had been a rise in the wages of labour with a fall in the price of corn. This was a decisive reply to the hon. Gentleman; but he referred to Sicily and Hindostan. There were other circumstances than the price of food in these countries, which so materially affected the condition of the people, and determined wages in those two countries. It was hardly necessary for him to refer to the United States, or to some of the English Colonies, to show that provisions might be low, and wages high. The hon. Member might depend upon it that they could never come to any safe general conclusion if they did not look to all the facts in connexion with each particular country. He

could not help referring to one proof more of the effects of the comparative free trade in corn which existed between 1773 and 1792. At the commencement of the present century a controversy was going on between a number of able writers with respect to the fact that the Bank of England, by the large issue of paper money, had influenced the price of corn. He had in his possession a pamphlet written at that time by Sir Francis Baring, the most eminent mercantile authority in the country. Let him recall to mind that at that period between 400 and 500 Inclosure Acts had passed, which the increased population of the country called for. The price of corn was rising: the population was suffering in consequence. This was all attributed to an excessive issue of bank paper. It was upon this point of the controversy that, incidentally, Sir F. Baring bears this testimony to the condition of farmers and agriculture under the influence of the law of 1773—practically, as he had said, establishing a free trade in corn. He says—

"An alarm not very dissimilar has been raised against the country banks, who have been accused of enabling the farmers to hoard their corn, by making them advances of money; but the inhabitants of this metropolis are not aware of the total change in the situation of the country banks, in consequence of the war. Those which are established in seaports and great manufacturing towns may still be considered as having commercial deposits, with which they must, in preference, accommodate their commercial friends; but the general mass of banks through the country look to the farmers for deposits and support, as the only persons who have money to employ. It is very rare that a farmer wants to borrow; but the instances are not rare where he is able to accommodate even his landlord with a loan."

Now, if anything could show that up to this time the farmers were in a state of prosperity, this authority was sufficient. He had already said that he expected, under the proposed law, much lower average prices. It should be recollected that the altered condition of the English agriculturist, in many respects, would diminish the cost of production; and with the improvements that would be introduced, they would grow more profitably wheat at much lower prices. But there was one thing connected with this point, to which he desired to call the attention of the House. In all former Agricultural Committees there had been statements as to the prices that would be remunerative to the farmer; These ranged from 125*s.* to 56*s.* per quarter. He believed that 125*s.* was the amount actually mentioned in the Report drawn up by Sir Henry Parnell. It appeared, then, that 125*s.*, 100*s.*, 80*s.*, 60*s.*, 64*s.*, had been considered from time to time the only remunerative prices to the English farmer. But as all these predictions of ruin founded upon the dreaded prevalence of lower prices had been falsified by the result, he might safely leave all present predictions to the same test, the test of experience. Whenever he found a witness before Agricultural Committees maintaining the possibility of growing corn at a lower price, he was sure to be scouted and discredited by agricultural catechists. It was so in 1836, when intelligent Scotch, and indeed English farmers gave in evidence the price at which they could grow corn, some saying they could do so at 8*s.* and 10*s.*, below even present prices. The evidence was on record, and need but be referred to. He could refer to many parts of the evidence, where witnesses said 48*s.* was a remunerative price for wheat. Several witnesses undertook to show that corn might be sold at much lower prices, and that English agriculture would nevertheless flourish, as he trusted that it would, at lower prices. There was one other point he was anxious to allude to in connexion with what fell from the hon. Member who had just sat down. He believed that the operation of the Corn Laws had been most disastrous to the commerce of the country. The Corn Laws, regarded in a commercial point of view, could only be regarded as producing a diminution of profits. If they increased wages under such a state of things, they must diminish profits. Now the effect, if traced, of such a diminution of profits would prove to be most detrimental to the labouring classes. He was sorry that some of those hon. Members were not present who sympathized with the condition of the labouring classes. He had said that the operation of the Corn Laws tended to the diminution of profits. The effect of diminished profits was to stimulate the invention of machinery, to economize human labour. Hence that vast combination of capital, and skill, and machinery. Hence arose the great manufacturing system, which, with all the wealth it had conferred on the country, had carried with it a large amount of social evils, which the endeavours of that House had been more than once exerted to counteract. He ought, however, to say that much more for the benefit of the condition of the labouring class had been done by the voluntary energy of the great manufacturers themselves,

than by any enactments of the Legislature. But what was the effect of the Corn Laws upon the agricultural interest, regarded in an economical and solid point of view? Hon. Gentlemen opposite dreaded the increase of the great manufacturing interest; they dreaded the increased congregation of multitudes in large towns. Whenever they interfered with the profits of trade in a country like England, they would engender the means of injuring themselves. He should be sorry to see this country a dull succession of manufacturing towns, connected by railroad. So he should be sorry to see the village green, and green lanes, and open commons, disappear, as disappear they would, if the Corn Laws were maintained, and population increased. The demand increasing for food, and the acreable supply remaining the same—every acre must be pressed into the service of the farmer. Capital must be also called in, and the aid of machinery, and a system of mechanical and strictly economical farming must universally prevail. In fact, the manufacturing system must prevail in agriculture. But country pleasures and sports must be extinguished altogether, and a dull succession of mere farms must take the peace of all rural scenes. Wealth for a time might increase in spite of the injurious action of these laws; but it would be gained at the expense of all the healthful pleasures and pursuits af country life. On the contrary, widen the area of supply—let there be no unnatural stimulus to agriculture—let its profits be those alone of a free competition; and whilst under its influence, the skill and capital of England would ensure the full development of the powers of the soil, and the knowledge of the agriculturist; and it would not be at the expense of those social and moral influences which ought pre-eminently to distinguish country life. For the reasons which he had offered to the House, he purposed to give to Her Majesty's Ministers his most cordial and entire support with regard to this measure. He rejoiced at the course which they had taken. He thought that it must have been foreseen and expected, that from the opinions which they had expressed last Session, and from their former measures, that they would introduce a measure similar to the present. He would only add, if they allowed agitation on the supply of food to increase, they would not be able to limit its action to this subject alone, but they would soon find it extended to other subjects of importance involving the future interests and the Constitution of the country. He contemplated that this measure would be received by the great manufacturing and commercial body with pleasure. It would allay many angry passions and prejudices, and would tend materially to produce the most beneficial results amongst all classes of the community. He must apologize once more for having occupied so much of the time of the House, and should sit down with giving his most cordial support to the measure.

SIR J. TROLLOPE wished to address to the House a few observations, in reply to the hon. Member who had just sat down. The hon. Member said the population of the country were unanimous in favour of this measure. Now, he represented a very large constituency, one of the largest purely agricultural constituencies, and he found in his district that the unanimity was all the other way. He had attended large meetings in his county, where only one hand was held up in favour of the Minister's measures. There were at these meetings numbers of persons who were connected with trade and with the learned professions; and these persons were the foremost to speak in favour of agricultural protection. He might further add that in the part of Lincolnshire which he represented, very free comments were made upon the conduct of those Members for the boroughs who had taken a different course—he particularly referred to the right hon. Member for Stamford. He was closely connected with that borough—the constituents were his near neighbours—and he knew that they had witnessed the conduct of their right hon. Representative with great dislike and surprise. He believed they had taken a still farther step—they had produced before him the opinions which he held on former occasions; and they had called upon him to take that step which alone could be taken in consistency with what was due to his character. But still his right hon. Friend rose in the House night after night, and with great ability combated his own opinions, and overturned all the arguments he had formerly used. He had heard with some astonishment, at the beginning of the Session, that they were called upon by Her Majesty's Ministers to decide upon these measures according to the experience of the last three years. As far as he had been able to consult that experience, it appeared to him eminently to confirm the

opinion which he had always entertained in favour of moderate protection; for he would tell the hon. Member for Lambeth, that he was as favourable to low prices as the hon. Member could possibly be; but he wished that the low prices should spring from the abundance of the home supply, not from the foreign market. The hon. Member had taken them back to a period antecedent to the political life of most of them—the year 1815. Very few of the hon. Gentlemen whom he saw around him had a vote either in the Legislature or anywhere else at that time. But if they examined what had taken place since that period, they would find that there had been a gradual diminution of protection. He agreed with the hon. Member that the law of 1815 was a monopolist law; but the legislation of the House ever since had been to mitigate its severity; and they were now going on at a steady and moderate pace towards that goal which the hon. Member was anxious to arrive at by a single leap. It was said that in 1822 there were low prices and great distress among the agriculturists. Undoubtedly that was so; but it did not arise from Corn Law legislation: in his opinion it arose from currency legislation. But were the complaints at that time confined to the agricultural interest? If the hon. Member would search his commercial records, he would find that at the same time there were great complaints from those who were engaged in the trade and commerce of the country; and that the *Gazette* of that day furnished a long list of victims to the rashness of the legislation that was then pursued. In fact, it was the same rash spirit then applied to currency which they now saw applied to corn, and which they were endeavouring to resist. The hon. Member had carried them back a considerable time; to the period intervening between 1701 and 1766; when, he said, the average price of wheat was 32*s.* 4*d.* per quarter. But he had looked into another record, embodied in a Report of a Committee of this House in 1833, of which the right hon. Baronet (Sir James Graham) was Chairman; and he found that the price of wheat for a century prior to 1793 was there estimated to average 50*s.* per quarter. At the same time it was stated that great doubts were entertained as to the accuracy of any records of the price of wheat in this country prior to 1797; that the Eton College records, which were generally referred to, could not be considered as a fair criterion of the price over the whole country. Then the hon. Member not only told the agriculturists that it was incumbent upon them to produce more corn; but he was good enough to tell them how to produce it, and even named the price they could afford to grow it. He was not aware that the hon. Member had much agricultural knowledge; if he had, he must know that the improvement of land was a very expensive process, and that it was a considerable time before any returns were yielded. He must say, as representing a county which certainly had not been behindhand in its struggles to provide food for the people, that he could not call to mind a single acre of land which was lying waste in that division of the county which he represented; and that there was not an unenclosed parish, except in the borough (Stamford) which his right hon. Friend represented, and that remained unenclosed only on account of some mixed rights of the freemen. From the returns he had been able to procure, he was able to state, that from 1828 to 1841 there had been an increase in the produce of the county of Lincoln to the extent of 70 per cent in the article of wheat alone; and he was satisfied from the improvements that had since taken place—from the great amount of drainage, the breaking up of pasture land, the artificial manures, and other processes that were applied to the land—that a much greater farther increase had since taken place in the county, and that the increase in the last sixteen years could not amount to less than 100 per cent. During the same period the population of the county had not increased above 20 per cent; so that there was a large available surplus for the food of the population in the manufacturing districts. Their principal markets were Manchester, Leeds, Newcastle, and London. But how was their produce conveyed? Why, by the tedious and expensive conveyance of coasting vessels. But were they allowed to hire cheaper vessels—that is, supposing they would get them from the Baltic or the Rhine? He found that the coasting trade was an absolute monopoly. No: he found that the cultivation of the soil was hampered with serious restrictions. For instance, the tithe was a serious restriction upon the cultivation of the land; because it prevented them from cultivating it in any manner they might wish. If, for instance, a man wished to revert from tillage to pasture on his land, he was met by a fixed

tillage tithe; for the amount of tithe might now be taken, under the Commutation Act, at about 10*s.* per acre upon tillage land, and upon pasture at 2*s.* 6*d.* per acre; so that if land which was now tillage were to be laid down in pasture, it must still pay the tillage tithe. There must, therefore, if this measure passed, be a remission of the Tithe Law: in fact, it could not stand with a repeal of the Corn Law; and that was a point which the heads of the Church would no doubt seriously consider, when the measure came before them in another place. He had heard it said that the heads of the Church were about to become consenting parties to this measure; but he did not believe that on this point they would desert the working clergy; for, upon them it was, that the burden of this measure would fall. The legislation of this House had very properly been directed of late to encourage residence, and to diminish pluralities; but how did they expect the clergy to live, if they diminished the income of the clergy in such a manner as the operation of this Bill would inevitably cause? Then he had heard the malt tax mentioned as a burden upon agriculture. He had never taken part in the agitation for the repeal of the malt tax: he believed, that as a tax, it fell upon the consumer, rather than the producer. But still he knew that it told upon the farmers more heavily than upon any other class, because they were in the habit of giving beer to their labourers; and without the malt tax they could give them very good beer at 1½*d.* per quart; but the malt tax added another penny to the price. It certainly affected the farmers, therefore, as large consumers of beer; and he would not say but an injurious effect was produced upon the farmer also in this way, that he was prevented from feeding his cattle with malt; and thus the farmer was restricted from doing what he liked with his own. Then he might go on to state that there were many things which a farmer might grow profitably, but which he was at present restricted from growing. For instance, the alluvial soils of Lincolnshire were well fitted for the growth of tobacco; but this the farmers were absolutely prohibited from cultivating. But did they think that excise laws could be maintained with free trade? It was impossible. Then, again, they might cultivate beet-root for the growth of sugar as they did in France; but there was a 24*s.* duty on that manufacture; and this was in effect a prohibition. He had been told, however, of the special exemptions from taxation which the agriculturists enjoyed; and the hon. Member for Lambeth glowed at that point. He presumed the hon. Member alluded to the legacy duty; for, with the exception of the remission of the tax on shepherds' dogs, and such trifles, he knew no exemption. But he would ask if the legacy duty was not more than met by the imposition of the stamp duties? He would give a practical case. He had recently bought a small piece of land, which lay in the middle of one of his farms; and the stamp duties and cost of conveyance amounted to five years' rent of the land. Look at the cost of the transfer of estates in all parts of the Empire. Look at Ireland. He believed the best measure for the improvement of that country would be to facilitate the abolition of long entails, and to encourage persons to purchase small pieces of land, which they might call their own. That would be real fixity of tenure; and the House would see that it would give rise to a happy and contented population. Don't let it be supposed that there was no capital in the country for such a purpose. It was well known that a great portion of the capital raised for the railways in Ireland, was furnished by the people of that country; and he was sure they would eagerly employ it in the purchase of small portions of land, if it were not for the great expenses of the stamp duties and costs of conveyance. He begged pardon for alluding to this subject, but he felt that this was in a great measure an Irish debate. It had arisen confessedly out of the scarcity of Irish potatoes. All the other arguments he had heard in support of it—his right hon. Friends on the Treasury bench would forgive him for saying so—he thought not worth a farthing. That failure in the potato crop, though a temporary evil, was likely to be more lasting, he was sorry to say, than some hon. Gentlemen seemed to think. He had tried some experiments, of which, he regretted to say, he could not give a favourable account; and he certainly entertained some fears for the future crop of potatoes. But he did not think Providence ever visited a land with chastisement, without, at the same time, giving some compensation; and he trusted that the effect of the present calamity would be to elevate the condition of the people of Ireland, to give them a taste for an improved description of food, and to give them that true independence which arose from adequate wages. He had endeavoured to ascertain what were the effects

of these free-trade measures on foreign countries; and it did not appear to him that there was any country which was likely to meet us in the spirit of reciprocity. In France, he understood that they were in all quarters rejoicing at the relaxation of our duties, and preparing to take advantage of it by a large importation of those articles of taste in which the French are so skilful, and that they had already raised the price of their brandy; but he did not hear that any preparations were making to admit into that country British iron or British linens. They were complaining, indeed, that we had not extended our relaxations in favour of their wines; and, perhaps, when the right hon. Baronet relaxed his duties on French wines, they might be more disposed to go into measures of free trade. If he turned to the countries on the shores of the Baltic, he did not see there that they were prepared to follow our example. On the contrary, he found that Denmark, Hamburgh, and the States of Northern Germany, were preparing to join in that powerful association, the Zollverein. Then the right hon. Baronet had told them that Prussia was shaking. If she was, it was not from anything that England had done. She might, perhaps, be shaking in consequence of her participation in the greatest act of spoliation which history recorded; but it was not by the example of England. Then, if he cast his eyes across the Atlantic, he found there a proposition made, but with very little show of being carried, that the American tariff, which was at present 40 per cent on the value of imported goods, should be reduced one half. Even supposing that measure were carried, would that be free trade? Why, the British agriculturists did not ask more than a protection of 20 per cent, and then they would be able to meet foreign countries, fair and square, on the ground of mutual reciprocity. But it was of more consequence to consider what the effect of the measure would be upon the great and noble province of Canada. He had opposed the Canada Corn Bill, because it did not apply to the Colonies alike; it gave to Canada what it withheld from Australia, what it denied to the Cape of Good Hope, and did not give even to British India. He admitted that the apprehensions entertained of the measure in this country were groundless. The quantity imported had hitherto been very small; but the Canadians had been making great preparations, by the construction of canals and railways, and the erection of mills, to send a larger supply in future. Now, the whole of that flour would inevitably be directed to another channel; and he believed the Canadian corn would find its way into the market of New York. As regarded himself he confessed that when he heard the landed gentlemen stigmatized by hon. Gentlemen opposite as monopolists and plunderers, he would rather abandon protection altogether, than submit to be the subject of such misrepresentations. But he stood there the representative of a large agricultural constituency; and he had shown that that constituency had performed their part towards the nation with all integrity and with good effect; and though it had been said that that district had not treated the poor with the kindness and consideration expected from its inhabitants, he begged to deny the truth of the charge, and to contend that the labouring classes of Lincolnshire were as well off as were the same classes in any other district of England. It had also been stated that the wages of the county were low. He could deny that also by the best of all experience—the experience of his own practice; and he would vouch for the truth of what he stated on this point when he declared that the average of agricultural wages was from 9*s.* to 15*s.* per week. Skilled labourers, indeed, obtained more than the highest sum. If the measure now before the House became the law of the land, landholders must of necessity reduce expenses, and wages must be reduced. It was Saturday night that took away the money of the farmers. A large portion of the land also now growing corn would be thrown back to pasture. He had a pamphlet put into his hands a few days since, he should wish to quote to the House; and he would do so did he not know that no official returns of prices existed in the period to which the publication alluded. In the days of Henry VII. and Henry VIII., so different were the laws affecting corn, in comparison with those of the present day, that enactments were made compelling persons to cultivate corn. But another opinion he held was this—that the prices of corn would be high under a system of free trade; and for this reason, that the measure discouraged the growth of corn. A scarcity would therefore ensue, and if bad seasons followed abroad, more than a scarcity. The bonding system was an admirable provision against a period of dearth; but

the new law quite discouraged it. It was the policy of the Romans to keep a supply of corn for the people; and if the House required an earlier example, they would find that stores of corn were found in Egypt when famine prevailed in Judea. The new law, however, would demolish the entire system of bond, which had been found so found so beneficial, and at the present time furnished a larger store of food than was possessed by any other country in Europe. It had been said that merchants would still supply the land with all the grain required; but that could not happen, because protection for trade would be taken from him. He begged to apologize for the length to which his observations had extended; and with the remarks he had already made he would conclude his observations.

SIR J. HANMER agreed with the right hon. Member for the county of Perth, who spoke last night, that it was desirable for some and justifiable for others who supported this measure, and were wholly dependent upon the land, to rise and state their reasons; lest it should be thought simply an emanation of that "enormous money confederacy" of which his hon. Friend the Member for Cambridgeshire had spoken rather bitterly, in a speech the ability of which he readily admitted, but which seemed to him to refer to matters capable of affording a very different illustration of the case. That hon. Gentleman invoked justice to aid him in support of what he believed to be protection, which yet he did not regard as equal in endurance to justice; for he contemplated the possibility of this corn law being repealed—that was rendered unnecessary by time. And therefore his hon. Friend opened all the question of whether this was not the time at which it should be repealed by Parliament, looking at the condition of agriculture, which it might be was able now, in its own interests best understood, to dispense with the existing system of what was called protection. It had dispensed with many previous systems; and when his hon. Friend said there was a tract in Cambridgeshire which, at a vast expense, with great industry and labour, had been reclaimed from a state of waste, on the faith and security of protection, within these sixty years, one was induced to ask which protection it was on which reliance was so placed? Surely it must be something sound and practical by which the marshes of Cambridgeshire were reclaimed. If it was protection that had done this, why, then, no doubt protection was an appreciable thing, and not what some considered it, a delusion and a superstition. But if though it should be a superstition, it might have been of some avail by inducing those who believed in it to undertake operations which, when they were once engaged in, their own energy carried them through; then the mind of his hon. Friend was too direct and manly not to be ready to inquire into this, and to prefer the real and effective power, whichever it might turn out to be. Now, he knew not when these operations were commenced, or when they were completed, or by whom they were carried on, but he took the time assigned to him by his hon. Friend; and it was a very moderate portion of the years since the Revolution, to which Gentlemen so often appealed. He took the last sixty years, and he marvelled which corn law it was during that period that had afforded the appreciable protection on which the conversion of all these marshes was made to depend. But he would say in passing, that if the memory of the great works of a similar nature executed in former times had any effect upon these undertakings, if it was the fame of the Bedford Level to which the noble Lord the Member for Lynn had appealed, that induced these works as a continuation, then that the Bedford Level could have possibly derived any support from corn laws, from legislative protection, he thought might fairly be questioned, and when questioned denied. Whatever part of the Bedford Level was begun or was carried on prior to 1670, was carried on under laws the avowed object of which, written in their preamble, was to keep down the price of corn. Would hon. Gentlemen like to look at those ancient laws? Such they would find to be their object; yet under them, and in spite of them—for they were as absurd, and restrictive, and injurious as any other—the greatness of this country grew continually, and countervailed them, though grievous famines happened, marking the futility of legislative interference with trade. Whatever part of these memorable works was completed subsequently to that period, or to the first year of the Revolution, 1689, was completed under laws which, though they were intended for protection, and to raise the price, had, as all these attempts always had had, a contrary result, for grain was from 15 to 20 per cent cheaper during the seventy years after 1689 than it had been

for forty years before that time. And well it might, when all the absurdities of the mercantile system were in vogue; and when they had a Resolution, still, he believed, to be found on the Journals of that House, affixing the name of "nuisance" to a foreign trade. In the course of the last winter he desired to inform himself concerning the Bedford Level, and he procured many of the works which had been written on that subject, and read them all. He read of the noble character, the patriotic exertions, the engineering skill, the indomitable perseverance of the men who, in various capacities, were concerned in it. He read of their motives, which were answerable to their characters; but among them the idea of agricultural protection, by a corn law, as a main inducement or encouragement to drain the fens, was what he did not find; nor, to say the truth, did he expect it; and unless it was the restoration of the coinage, which was brought about at the Revolution, he did not remember any essential protection, beyond their own exertions, which they could have received. But as to these modern works, which he wanted to come to, sixty years ago they had an import duty of 6*d.* upon a market price of 48*s.* Well, that was very nearly a free trade—very little encouragement in the way of foreign duties was to be found there. But great encouragement to enclosures, to improvements of wastes, was found somehow, for the number of acres enclosed up to the time of the Bank Restriction Act, in the reign of George III., was 2,800,000 and more. Then came the Bank Restriction Act; and if that Act and the peculiar circumstances of the long revolutionary war—which must be taken completely to overbear the Corn Laws, and to make the changes in them that occurred up to the peace of 1815 hardly worth alluding to—were in any way concerned as main reasons or instruments of the improvements in Cambridgeshire, then at least it was not upon a corn law that they rested during that time. Perhaps they made a more stringent corn law necessary when war ceased; and that was the opinion of 1815. What protection could Cambridgeshire improvements have derived from the Corn Law of 1815? From petitions to that House, presented in former times, it seemed to have been peculiarly on that county, or on that county with as much severity as any, that the scourge of that law fell; for far was it from a protection. Did hon. Gentlemen doubt that it was a scourge? Let them not take its character from him, but as it was given without contradiction in 1827, in that House, by the Minister of the day. It was delivered by Mr. Canning. He would rather refer them to that speech than read it; but he would tell them what was the effect of the law, and his authority was Mr. Canning. He believed there was plausibility in the political arithmetic of that law; and the pivot price which it contained was fixed rather below the average price of the preceding twelve years. The effect of that law was infinitely worse than that which they were going to repeal, of which the Secretary of State had said, that "the sliding-scale would neither slide nor move, and that that was its condemnation;" for in the case of 1815 the sliding-scale did move, but it moved all the wrong way. That was at a time of scarcity at home; it made the ports closed, as if it had been a foreign enemy blockading them on their shores. At a time of plenty, when it should have averted foreign supplies, according to its theory, it poured them in. In the one case it was the fraction of 5*d.* in the averages, of 2*d.* in the other, that did this; and the fluctuation of prices, and the ruin of the land, and the misery which this protective measure caused, were such as had not been known before. And what did the Agricultural Committee, which sat afterwards, recommend? Was it increased protection? an aggravation of political arithmetic? He spoke not from recent reference, but he had a strong impression that they recommended them to construct a Corn Law, so that it should interfere as little as possible with the course of trade. In 1821-22 that did not appear to be wisdom which had been held wisdom by not inconsiderable men, and by responsible Ministers, in 1815. At that time there was again a change in the Corn Law; but the scale was so constructed that it never came into operation, and that law, therefore, did not remedy any evil; it did not in itself effect any evil; it was simply another instance of protection professed by an Act of Parliament, but in any practical sense worthless altogether. Well, then, to come to what he might call our Corn Law; that was, the Corn Law under which this generation had lived, and which they, sitting in that Parliament, had repealed. He doubted very much whether, under that law, the improvers of Cambridgeshire or any other agriculturists found appreciable protection—found that

was a principle upon which calculations could be based, which could make agricultural improvements arithmetically secure. One principle there was which was developed—a kind of science, not famous for its security, however—a science well known along the eastern coast; much practised, at all events, though, like other illicit sciences, it betrayed its votaries sometimes; which was called "working the averages." How much corn came in at the 1*s.* duty? How much at periods when it was not required, by dint of these operations? How much was heaped up, of two or three years' growth at a time, unprofitably, in warehouses, either here or along the Baltic, exercising, like that mountain of loadstone that they read of in the *Arabian Nights*, a kind of magnetic influence upon prices, though it did not stir, and when it did stir, coming down like a landslip or an avalanche, confusing and overwhelming everything in its way?

"No laws can set prices in trade"—[he repaid his hon. Friend (Mr. E. T. Yorke) for Sir Simon D'Ewes with Sir Dudley North]—"no laws can set prices in trade, the rates of which must and will make themselves; but when such laws happen to lay hold, it is so much impediment, and only prejudicial."

They had heard of wheat, brought from various places, imported at a low rate, during the existence of the Corn Law. Did they think they could argue generally from particular instances, or that the rates spoken of last night and heretofore by the Member for Sunderland would be the rates easy to come by, when these impediments were removed—when there was no longer a law which rendered it uncertain to the foreign merchant, who bought from the producer, at what time and after what rate he should be able to sell again; which introduced an extraneous uncertainty, and added it to that which was incidental to such matters? Why, they would be laughed at from Dantizc to Odessa who came with such expectations to buy corn. The noble Lord the Member for Lynn repaid that anticipation by a smile; but he would tell that noble Lord, acute as he was said to be in matters of calculation elsewhere, given to calculations, as he certainly was, in that House, whether they were acute or not, that the merchants of the Baltic would be a match for him, and that they would tell him impediments to trade did not always tend to raise prices; and that an article of commerce might be worth a greater price, in proportion as hindrances to bringing it into the market were removed. He rejoiced, therefore, as a landed proprietor, that these impediments were to be removed. He thought, also, the condition of the world rendered it full time. He believed it was necessary that a great example should be shown of what the true policy of such a country as this really was, whether at home or abroad; and as foreign trade could not be well separated from home trade, and as it acted on our internal and domestic condition in a way which he suspected some of the Gentlemen who talked about protection to native industry had little considered, it was satisfactory to find the example set by the Government, and which would be warranted by the Parliament of England, bearing sign of fruits even now. He held in his hand a paper in which the revenues and expenditure of England and France had been contrasted by Baron Charles Dupin; and since the opinion of foreigners had been called the voice of contemporary posterity—at all event it was less disturbed by party and personal topics, and by philippics, such as one heard occasionally in that House, but looked to the main current of affairs, and took its judgment thence—let them see whether, in the policy of this country, influenced as it had been for a long series of years by the right hon. Gentleman, governed as it was by him now, there was any inconsistency apparent to Baron Dupin. So far from it, he saw but one object steadily pursued from 1815 to the present day; and when he drew his conclusion and his comparison with the contrary system in his own country, it was not in favour of France. The case of the Government was, that great public emergency called on them to proceed. He believed that this was true. On the one hand, reason, experience, the concurrent voice of statesmen, the warnings of many years, the accents of 1842, stronger and deeper than them all, and which sounded in the ears of this Parliament, called upon this Parliament, rather than on any other, to take the steps to which they were invited by the Government, before which party spirit bowed its head, to which they were equally invited by the right hon. Gentleman, or with a change of opinion every whit as great and as amply acknowledged by the noble Lord. On the other hand, what was it that they proposed who were opposed to the present measure? What was their policy? What did they design—a new fixed duty, a new sliding-scale? this one they had condemned. He knew

not what was their policy; but if he wanted to find a comparison for those who sought shelter and protection, as they were pleased to call it, under auspices of unstable Corn Laws, he should say that they were like that fisherman, of whom they had all read in Milton, anchoring his boat, in delusion and the darkness, to a whale.

VISCOUNT EBRINGTON said, he had no wish to imitate the spirit which animated the debate of yesterday, and felt glad that hon. Members had that night adopted a different tone. He would not follow the example of attacking the right hon. Baronet and his Colleagues. He would leave them to be attacked as they might by their friends, and defended as they best might by themselves. For the purpose, however, of making intelligible the question before the House, and the position in which it stood, he would refer to what had happened in November. [The noble Lord narrated at some length the resignation of Sir R. Peel, after he had in vain endeavoured to persuade his Colleagues to join him in a gradual repeal of the Corn Laws; Lord John Russell's attempt to form a Ministry; and Sir R. Peel's, resumption of office.] He would consider the Bill before the House, first, as a separate measure; second, as a part of a comprehensive adjustment. He regretted that Government had combined the repeal of the Corn Laws with the continuation of the sliding-scale for three years. To that scale he had ever been opposed. The first speech he had made in the House, had been in opposition to the principle of that scale. Against the evils of that scale, his noble Friend the Member for London (Lord J. Russell) had in July, 1842, prophetically warned the House, and predicted the evils which would infallibly result from its introduction. The noble Lord warned the House, in 1842, against the adoption of the Government measure then proposed by the right hon. Baronet at the head of the Government (Sir R. Peel), and had on that occasion observed, that whatever way the averages were taken, that still there would be found a defect, because they did not take into consideration the quality of the corn. For instance, in 1841, a considerable quantity of the corn crop had been damaged; and in consequence of this a great diminution had taken place in the averages which regulate the duty. But had the public derived the advantage consequent upon this apparent reduction of price? No, the consumer obtained no benefit whatever, for he had to pay as much for his bread as if no such reduction in price had taken place. The noble Lord had further exposed the fallacy of the system by stating—

"In January, 1841, the average price was 61*s.* 2*d.*; in 1842, it was 61*s.* 2*d.*; but did the people obtain their bread at the same price? Far from it. The price of the best town-made flour was 55*s.* per sack in 1841, while in 1842 it was 61*s.*, thus making a difference of 6*s.* per sack in the flour of which bread was to be made, while the averages did not vary one jot."

This clearly proved that the price of bread could not be accurately ascertained by reference to the averages of corn. He could not but rejoice to find that the hon. Member for Hull (Sir J. Hanmer) had now taken this view, and was prepared to admit the evils of the sliding-scale. He trusted that hon. Member would use his influence with the Government, and impress upon them the necessity of repealing this last vestige of a system which increased so much the uncertainty of trade, and though frequently confounded with protection, had in reality nothing to do with it. But there were other reasons why the Government should not continue a modified sliding-scale; and one of those was, that by so doing they were conceding in substance that great object sought by a powerful confederation, while they at the same time failed in putting a stop to the agitation which that confederation was formed to carry on. The Government by the present proposition was about to concede what the Anti-Corn-Law League required; but at the same time left enough of protection to justify a continuance of the agitation. For his part, he thought it would be well at once to put a stop to a remedy, in his opinion only less dangerous than the evil it was intended to cure. But there was yet another stronger reason why the Government should at once abolish the laws respecting the importation of corn from foreign countries. The unprecedented scarcity of food, owing to the extensive failure in the potato crop had stripped the foreign warehouses of their accumulations; so that the British farmer would continue to be protected, not, it was true, by prohibitory laws, but in consequence of the extraordinary peculiarity of the times. He was far from sharing in the opinion of the right hon. Baronet (Sir R. Peel), that because there would be a great increase in the cultivation of foreign corn, and consequently an increased production, at the expiration of three years the prices on the Continent would be higher. He, on the contrary, thought that prices, so far from

rising, would, in accordance with the usual laws which regulate supply and demand, diminish at the end of three years; and the farmer, decidedly, at the expiration of that time, would be subject to some accumulations of corn kept back till the duty entirely ceased. He felt that an apology was due to the House for detaining them at any length, especially after the very long discussions that had already taken place: but, as they had been informed by Her Majesty's Ministers that the measures they had proposed for the adoption of the House were to be considered not only as a settlement of the long-disputed corn question, but as a general scheme of commercial adjustment, he hoped he might be permitted to consider it in that light for a few moments. He would not discuss what had been usually considered the burdens on land; for the hon. Member for Lincolnshire, in two consecutive sentences, had stated with respect to tithes, that an injury would be inflicted on the landlord by the permanent tithe rent charge, and a cruel loss in the rent charge would be sustained by the tithe receiver from a reduction in his tithe under this Bill. Neither would he dwell upon highway rates, the malt tax, or other charges, which were to be alleviated by other means rather than by a fancied shifting of burdens from one class to another. But there was another burden upon land, which had not been referred to in this debate, and which, while it yielded little to the revenue, pressed grievously upon the small landed proprietors, and heavily, though not in the same proportion, upon the large: he alluded to the laws of real property, and the expense of transferring or mortgaging land. The consequence of this system was, that small properties could with great difficulty be sold, and it lessened the value in the market of large ones. He denied that the Government measures now sought to be introduced, could be called a comprehensive adjustment, while this monster grievance affecting landed property remained untouched. Free trade in land, since it did not precede, ought at least to be coincident with free trade in corn; he asked it as a right, he did not beg it as a favour to be allowed to sell land in the dearest, and buy it in the cheapest market. He did not mean to say that since the able Report of the Real Property Commissioners, much had not been done towards redressing the grievance, or that some relief had not been afforded; but this he would say, that though some of the Bills brought into Parliament in accordance with the recommendations of the Commissioners were to a certain extent productive of utility, that the efforts of volunteer legislators had confused still more the expensive and complicated laws relating to the transfer mortgage of real property. One very remarkable proof might be given of the positive defect in the law of real property with respect to the value of land. In England, where all our prejudices and feelings were enlisted in favour of the possession of land, land sold at fewer years' purchase than in any other country. In France, Belgium, Holland, Switzerland, and in parts of Germany and Italy, land sold from thirty to thirty-five, and sometimes as high as forty-five years' purchase; but in England it averaged from twenty-seven to thirty, and in Ireland it was rather less. The consequence of this system, combined with the enormous cost of transfer, had the effect of rendering small estates almost unsaleable, the charge for transferring bearing no proportion to the value of the estate transferred. He did not so much object to the cost of stamps, but he objected to the cost incidental to showing a title and making a retrospective history into an estate, at a charge quite irrespective of the magnitude of the estate, or of the frequency of the transaction. Those charges constituted, in his opinion, an enormous burden on land. In the Report of the Real Property Commissioners, several startling statements had been made upon the subject. There was one case in which the cost of making out the title would have been greater than the price; and the vendor having signed a contract was glad to let the purchaser have the land for nothing, in preference to making out a title, and receiving the purchase-money. There was also a case where the vendor of some land in Somersetshire paid 4,000*l.* purchase money, and 1,000*l.* in law expenses. In addition to those cases, a conveyancer had told him that it was a matter of no uncommon occurrence to charge ten or twelve per cent expenses on the sum realized by a sale. There was one remarkable fact contained in an anecdote, so pertinent to the present question, that he could not omit mentioning it. An eminent lawyer having sent a title to a conveyancer, called upon him to hear his opinion, when the conveyancer pointed out to him many defects in the title, which appeared at first conclusive, against its validity; upon which the lawyer

remarked, "Then you advise me to give up the purchase." "I beg your pardon," replied the conveyancer; "I thought you were for other parties: buy it by all means; the title is as good a one as you can get." Now, he would ask, did not a system such as that eminently require reformation, and ought not some other principle to be adopted which would consult the interests of both parties, by affording facilities of transfer to the vendor and to the purchaser? As a question of political economy it needed no discussion. But in a social point of view, there were also many evils consequent upon the law of real property. The state of the law as it at present existed, precluded the possibility of a poor man ever hoping to become a landed proprietor, because the enormous expense of transfer would deter him from investing his savings in the purchase of land. Who could doubt but that a cottage and garden would be the most attractive savings' bank the poor man could possibly invest his money in? or who could doubt but that the landlord's ability to sell a portion of his estate, without a heavy cost incurred in transferring it, would facilitate the acquisition of such property? The state of the law led also to the absorption of the smaller proprietors. If hon. Members would read the evidence taken before the Lords' Committee on Drainage, they would perceive how such a tax pressed upon those who expended capital in improving property. One gentleman stated that he had undertaken improvements which would cost him 7,000*l.*, and that the legal expenses connected with raising the money were 700*l.*, or ten per cent on the capital. Such a want of facility of raising money led to bad cultivation and increased pauperism. He believed the community owed a deep debt of gratitude to the Anti-Corn-Law League for the efforts it was making to put small estates within the reach of the industrial classes. In England the general feeling of the people had not been one of hatred or enmity towards the owners of the soil; but this was caused by the general diffusion of landed property. The state of the law, however, was diminishing the number of small properties; the poor could not become landed proprietors, because of the expense of transfer, except in the case of copyhold. The consequence of the continuance of such a state of things might be seen in Ireland, where there were but two classes of occupiers of land—barons and serfs, with no yeomanry or middle class to connect them. In the Highlands of Scotland they had the same state of things: vast tracts of land held by one proprietor; the same want of employment for the population; and the same want of a middle class of landowners. Till lately they had no political and religious differences there; but how long would it be before the Free Church might become an element of discord in that country as great as ever had been experienced in Ireland? He regretted to say that the conduct of too many of the Scotch landlords had been such as to lead the people to view them with feelings somewhat analogous to those with which landlords were regarded in Ireland. And was the case different in Wales, where there existed so much discontent? It was all very well to talk of the new Poor Law and the bastiles, as they were called, as being the cause of that discontent, and of a state of things similar to what existed in Ireland. The evil was produced by the very same cause that created it in Ireland; but, being on a smaller scale, the effects were on a smaller scale too. He contended that while this monster grievance remained in the land, no one was entitled to regard the Ministerial scheme as one worthy the name of a comprehensive adjustment. Mr. Wilson, describing the difference between the two kinds of property in his valuable pamphlet, quotes Mr. Hargreaves' authority for saying that real and personal property can be dealt with (substantially) in the same manner, sold, mortgaged, settled, disposed of by will; and goes on to say that what the register at the Bank of England declares as a fact, the abstract of the title affords the means of ascertaining through the ordeal of a laborious investigation. The purchaser accepts the stock because it is standing in the vendor's name; the land, because it ought to be so standing. The law has provided machinery for posting up to the day the title to the stock, and telling the standing purchaser how the account actually stands; whereas, the title to land is left sixty years in arrears, and requires an accountant to post it up. If he were called upon to suggest a measure for settling this matter, it would be one in accordance with the opinions of a gentleman who stood high in the estimation of all who had considered this subject—he meant Mr. Senior. He would appoint real property commissioners to go into the whole subject, recommending that they should take steps to assimilate the condition of England with respect to the facility of dealing with landed property to the state of matters on the Continent, where it was transferred from hand to hand as easily as the three per

cent Consols in this country; so that by degrees all classes would come to have an interest in the welfare and safety of the owners of the soil.

MR. RASHLEIGH was not accustomed to trespass upon the indulgence of the House; but there were some occasions of such importance, that although a man might wish to consult his own convenience, it behoved him to come out boldly and state his opinions. He could not, after hearing the proposition of the right hon. Baronet (Sir R. Peel) sit still, or refrain from expressing the alarm with which he viewed the precedent about to be established with respect to the commercial policy of the country. He would like to ask the right hon. Baronet, whether he was prepared to concede to the unconstitutional demands made upon him by the Anti-Corn-Law Leaguers, for there were other persons of that persuasion, besides the hon. Gentlemen opposite. The measures lately proposed by the Government, and now sought to be made the law of the land, would, in his opinion, so far from causing an adjustment of the question, prove a bonus to further agitation. The right hon. Baronet the Secretary for the Home Department might smile; but he had no right to indulge in smiles upon so momentous a matter as the subject under discussion. Hon. Gentlemen opposite might smile; but they were the promoters of the agitation to which he had made allusion. But he confessed he was surprised to see the right hon. Baronet the Secretary for the Home Department, who ought to put down agitation wherever he found it, smiling at such a subject as the present. [*Laughter.*] Hon. Gentlemen opposite were not going to silence him by their laughter, for the cause he was about to advocate was of too much importance to be put down by the laughter of the hon. Member for Stockport, or the crew he saw behind him. The speeches that had been made in times past by the right hon. Baronet the First Lord of the Treasury (Sir R. Peel) were quite sufficient to convict him upon the present occasion. The noble Lord the Member for North Lincolnshire (Lord Worsley) had quoted extracts from two of the right hon. Baronet's speeches delivered in 1842; but he held in his hand an extract from a speech made in June 1844, not twenty-one months ago, and a portion of which he would read, with the permission of the House. It was in answer to a Motion made by the hon. Member for Wolverhampton (Mr. Villiers), for a repeal of the Corn Laws. What the right hon. Gentleman had said upon that occasion, he (Mr. Rashleigh) would stand by, for they were worthy of the great leader of a party that had since been deserted. The right hon. Baronet, on the 26th of June, said—

"I know, according to your strict rigid principles of political economy, abstractedly, if we were to forget the condition and circumstances of the country, and the interests which have grown up under the long endurance of protection—if we were to speak mathematically of these principles, no doubt they may be true. It may be true that a population from which protection is withdrawn, ought to apply itself to other employments; but is that strictly true? If we are not mere philosophers, and men of science, having to deal with abstract or indefinite quantities, but have to consult the convenience, the comfort, the substance, of great masses of human beings, are we to disregard those convictions which must be presented for the consideration of the Legislature and of statesmen. I speak not merely of tenants under leases, but of tenants-at-will, and of the labourers. No doubt, as far as the law is concerned, there are free opportunities for the application of capital to other branches of industry; no doubt it is true, speaking literally and technically, that the labourers in Kerry and Galway may go and seek for subsistence in Manchester and Coventry. That is all true enough in theory, but false in practice. How can you disturb a man who is far advanced in life, to the age, perhaps, of nearly half a century, whose father and grandfather before him were occupied in agriculture, and who knows nothing else himself? How is he to try this project of suddenly removing himself from his old occupations and locality, to new ones? Why, you would destroy his confidence in the application of his capital to agriculture as before, and you leave him without other modes of employing it. You may rejoice and indulge in those theories of modern philosophy and political economy; but when you have endangered and destroyed the peace and happiness of a nation, you will have but a sorry return for your pains. Looking then at the long endurance of the protection, at the amount of capital involved in agriculture, and the position of the population dependent upon agriculture, and at the interests, not merely of the landlords and tenants, but the comprehensive interests of all classes of the community, I must give my solemn and unqualified opposition to the proposal for the immediate removal of the present protection to agriculture. But I will not shrink from the other question. Am I prepared then, as I am opposed to the immediate removal of protection, to bring under the immediate consideration of the House any modified proposition for altering the amount of protection determined upon two years ago, and carried into effect with the general goodwill and concurrence of the agricultural interest? I say at once, I am not holding language different from that which my right hon. Friend and myself held at an early period of the Session. We then said, that we never had it in contemplation, and now we say that we have it not in contemplation, to make any alteration whatever in the Corn Laws."

This was not said by a mere private individual of this House, but it was the opinion of the First Minister of the Crown—an

opinion stated to this House not twenty-one months ago; and he thought it the duty of the right hon. Baronet to state to the House and the country his reasons for his tergiversation. This change was the more extraordinary, considering the silent and deserved contempt with which the Motion of the hon. Member for Wolverhampton used to be treated in that House; and that was the constitutional way of treating an unconstitutional set of tyrant agitators. This perhaps might be considered pretty strong language; but it was the language suited for 1846, when the right hon. Baronet at the head of the Government had become the leader of the Anti-Corn-Law League. He looked with great confidence and hope to the right rev. Prelates of the other House, who, he trusted, would stand by the Altar, the Throne, and the Cottage. Gentlemen opposite might save their sarcastic smiles at the mention of the cottage. He knew those hon. Members well enough. Though he lived at some distance from their smoky regions, their long chimneys were above the horizon of his memory. Some of those personages, whom the manufacturers held in the greatest contempt, were his greatest friends. Some of the operatives whom they treated with so much contempt and severity, he should be proud to have at his table. The League had on all occasions trampled on the rights of those operatives, but they never dared to face them in an open meeting. All the League meetings in the manufacturing districts were held in holes and corners. They were not open meetings. Though some of that party might laugh — and among them he saw the hon. Member for the Tower Hamlets — yet that hon. Member might, if he visited the manufacturing districts, satisfy himself of the distress that prevailed there among the operatives. The hon. Member for Bolton was smiling under the shade of his fingers; but this was no smiling question, and the sooner he left off making those ill-timed grimaces the better. He was glad to hear from the right hon. Baronet (Sir R. Peel) a few nights ago of the prosperous condition of the miners in his (Mr. Rashleigh's) county. They were described as being in a state approaching to luxury. It was said that they had such an abundance of food that they were enabled to apply a large portion of their earnings to the purchase of feather beds. Now, could there be a better argument for continuing that state of things under which they enjoyed such prosperity? These people had good wages, and knew nothing of the truck system. He should like to see the hon. Member for Stockport coming among them. It would take some time before he could lay himself down in one of their feather beds. But these operatives were wide awake to the proceedings of the right hon. Baronet. They were well aware of the evil tendency of his free-trade measures. They knew that his proposition respecting the article of copper ore alone would ruin a vast number of the industrious classes. He would read to the House a letter which he had received from a gentleman in that district, who employed upwards of 3,000 men daily. [The hon. Member then read the letter, the effect of which was that the free-trade measures of the Government would materially injure the industrious classes, particularly those in the mining districts; and that in bad harvests the miners would have been often without bread, if the self-adapting power of the sliding-scale had not secured them an ample supply on moderate terms.] He regretted to be obliged to oppose the measures of the right hon. Gentleman, whose experience and talent were so great; but he could not, at the expense of his own consistency, follow the right hon. Baronet's newfangled notions. He had always acted on principle, and should continue to do so. He hoped the Conservative party around him would remain true to their principles, and that the next election would send many gentlemen to their aid whose conduct would give a tone and character to the House that would raise it in the estimation of the public.

Mr. F. T. BARING trusted that the hon. Member who had just sat down, would not consider him wanting in respect if he followed the course of which the hon. Member seemed to approve on a former occasion, and treated his observations with that constitutional silence which the hon. Member considered so conclusive an argument. He should be very much disinclined to break silence at all on this subject; but as it seemed to be the arrangement that they were to debate the question until a given time, and he was, therefore, not prolonging the debate, he felt an anxiety that it should not pass by without expressing his cordial approbation of the measures introduced by Her Majesty's Government. He might perhaps wish, with his noble Friend, that some modifications might be made; but, looking at the measure as a whole, and seeing in it great good, and much more the seeds of future good, he should give it his warmest and most cordial support. As for going

into the arguments upon this question, they were so utterly worn to pieces that there was nothing left; and any Gentleman who had heard the speech made that evening by the hon. Member for Lambeth, would feel that it was quite unnecessary, until at least an answer had been given to that speech. There was, however, one circumstance which had developed itself in the course of the discussions—one great fact, if he might so call it, which required notice—he meant the formation of a large party independent of the two parties which used to divide the House. This party had withdrawn their confidence from Her Majesty's Government, and stood now in a perfectly independent position. He could not but agree with the observation made on a former night by his hon. Friend the Member for Liskeard, that a great party must, with the power, assume the responsibility of party. When a party chose a leader, and bound themselves together by party ties, they were called upon to declare to the House and the country the course which they intended to follow. He begged hon. Members opposite to believe that he spoke of that party with no feeling of disrespect; but on the contrary, he gave them great credit for the spirit, intelligence, and ability with which they had conducted themselves under the very difficult circumstances in which they had been placed, deprived of their former leaders, and thrown on their own resources. He was desirous to put to them some questions as to the course they were about to pursue: he wished to ask them what they proposed to do with regard to this Corn Law? It was all very well for an individual Member to rise and object to the measures of Her Majesty's Government: he was not called upon—it was almost presumptuous—to lay before the public counter proposals; but a party stood under serious obligations. If hon. Gentlemen had taken upon themselves to form a party, looking, as they naturally must do—if they were in earnest, which he was sure they were—to the ascendancy of their own opinions, and the elevation to power of those in whom they placed confidence, they must act as a party. He was desirous, therefore, to ask them, if the present measure were rejected, what measures they were prepared as a party to lay before the country? He had heard several propositions from Gentleman of the protection party. Some hon. Gentlemen were in favour of a fixed duty; others again, among them the hon. Member for Somerset, said that the battle was to be fought for the present law—for that or none; that no compromise could be accepted. An hon. relative of his own who had spoken ably against the Bill, stated as his opinion, that the present moment was the best for a compromise. He must be permitted to recall to the memory of the House an admission made to the right hon. Baronet opposite at the beginning of the Session. The right hon. Baronet, in his opening speech, stated the dangers he foresaw, and asked the question whether or not he might consider it as admitted, that he ought to have taken some measure in November last—some such measure as suspending the Corn Laws. The House would remember that the right hon. Baronet put that question, and that it it was then generally admitted on the protection benches, that under the circumstances the right hon. Baronet ought to have suspended the Corn Laws. But, further than that, hon. Gentlemen went the length of blaming the right hon. Gentleman for not having issued an Order in Council at the time. Now, he put it to them, in the face of that admission, what course could they now take? He asked them for a plain answer—would they condescend to be intelligible? What was their scheme? Did they mean to support the sliding-scale? If they did, he asked, after that admission, to know by what arguments? One great recommendation of the sliding-scale used to be, that its opponent—a fixed duty—could not be relied on or upheld in times of scarcity; while, on the other hand, the sliding-scale adapted itself to the emergency, and admitted corn as it was required. Such had been their argument; but how could they now contend that the sliding-scale had this power of self-adaptation, when they admitted that no longer ago than November, it ought to have been suspended, because it had not so adapted itself. But that was not all. There was another argument that used to be urged in favour of the sliding-scale. His noble Friend the Member for the city of London, in bringing forward his proposition in 1841, admitted that a difficulty did exist in the way of the fixed duty: he admitted that in case of famine it might be difficult to retain the fixed duty; and he proposed to overcome it by investing the Crown with the power of issuing an Order in Council, to admit corn in times of scarcity. What was the reply of the right hon. Gentleman opposite? It was, that such a power ought never to be vested in a Government—that a law should be devised which would adapt itself to cir-

cumstances. What became of that argument after the admission that the Government, in November last, ought, on their own authority, to have issued an Order in Council to suspend the law. Who, too, they asked, supposing the Corn Laws to be suspended, would have the courage to replace them? Such was the tenor of their arguments. But how would they go to the country, and in the face of such arguments—after contending that the sliding-scale ought to have been suspended—how could they go to the country and seriously propose to support what by their own showing was so inefficient? How could they continue to advocate the present sliding-scale when their admission showed it possessed none of the qualities which originally rendered it preferable to the fixed duty? All the old arguments on which the sliding-scale had been defended, were abandoned by the admission made by the protection party—had they not made that admission? They had told the House that the agricultural party would have supported the right hon. Baronet in a temporary suspension of the Corn Laws. The hon. Member for Somersetshire stated that he had been ready to do so, and that the great body of the farmers entertained the same views. For his own part, he thought that the right hon. Gentleman was right in proposing what he had proposed to the Government last November. If, with the authentic information before him, the right hon. Baronet dreaded scarcity in Ireland, the right hon. Gentleman's proposal was a most just and proper one, and one for which he would have gladly supported a Bill of Indemnity. But the right hon. Baronet was well aware that when he consented to the Order in Council he rendered a reconsideration of the Corn Laws necessary, and so were his Colleagues. Well, but was it a fixed duty which they were prepared to advocate? He was not disposed to attack those who favoured a fixed duty. He had been a party to the proposition of a scheme of this kind in 1841, thinking it the best which could under the circumstances have been proposed, and the one which would have given them ultimately the means of meeting further claims with more knowledge of the subject than the present arrangement had afforded. But the time for such an arrangement had passed. He could not but feel that they were now justified in changing their opinion on this subject. Could they go to the country on the question of a fixed duty? The Member for Newcastle-under-Lyne, and some other Gentlemen, had expressed a great hankering for a fixed duty. Well, they abandoned that proposal: then, what did they propose? He asked the noble Lord the leader of the party to state to the country what he proposed—what was the business scheme which he was prepared to stand by, and what was the expectation in which they continued their opposition? It was quite clear that the opinion of that House was in favour of the measure of Government. Were their expectations, then, founded upon the Bill being thrown out in another place? If such were the case, had they calculated the cost of the position which they were about to assume? Was it so comfortable a thing for the House of Commons to be opposed to the Lords on such a question? Such a circumstance had not been unknown of late, the greatest difficulties of Lord Melbourne's Administration having been occasioned by the opposition of the two Houses of Parliament. But the protection party talked of appealing to the country. Were they prepared for that fight? Was it so light a thing to have an election—in which the agriculturists would be banded against the trading classes? And on what question would the fight take place? On that of the food of the people; one of the most exciting of all subjects which could possibly be mooted. Let them think of what would be their position in such circumstances. Parties would be bidding on both sides for the physical strength of the country; on the one side they would have the argument used by the manufacturers, that the labourer was by them—the country party—deprived of his food; while, on the other, he saw symptoms that the arguments to be used would not be of a less stirring description. The rural population would be told that the foreign would be employed instead of the home labourer—that a repeal of the Corn Laws would throw out of employment the agricultural peasant, and starve the labourer. These were not safe arguments to use in the course of a violently contested general election. Therefore if hon. Gentlemen did not feel perfectly assured of success, they were taking upon themselves a most heavy responsibility in throwing the country into such a state of confusion and excitement. And at what a moment would such a contest come? If the expectations of the right hon. Baronet were correct, this contest would take place at the very moment when Ireland would be suffering under a want of

food. But, putting aside these difficulties: suppose, for the sake of argument, they were in power—suppose they had a Treasury bench able to contend with those who now fill, and those who lately filled it—suppose that they had a willing and united majority—were they quite sure that they would have no other enemies to contend with? Look to the course of every Government since 1815. From that time to this, if they would look to the history of the administration of commerce, they would find that it had been one of continued relaxation. It might have been quick at one time, and slow at another; but whether they looked to the Governments of Lord Liverpool, or Mr. Huskisson, or Earl Grey, they would invariably find that our commercial policy had been one of relaxation. What inference did he draw from that fact? There was a free-trade influence in Downing-street, which seemed to be infectious. It seemed as if those who had the best means of knowing the state of trade of the country, and who had also the responsibility of providing for it, found of necessity, that there was to be but one course, that of relaxation, to be pursued. Let them but select independent men, to sit on the Treasury bench—men who had the power to think, and the manliness to act upon their determination, and he would have no fear even of a protectionist Administration. He felt satisfied that when they felt the responsibility of the position, they would be compelled, at whatever sacrifices, to follow in the footsteps of their predecessors. It was not to be supposed that it was a particular agitation which was the cause of their present position. It was reason, justice, truth, which were betraying them—they were silently undermined by the stream of time; for their castle was built upon sand.

MR. SHAW could assure the House that he was not unmindful of the indulgence and kind attention he had recently experienced from them in a former stage of the measure then under their consideration. He would therefore make his present trespass as short as possible, consistently with the facts he was anxious to lay before the House. He was the more anxious to do so, on account of the speech of the right hon. Gentleman who had just sat down, which related to the alleged famine and consequent disease in Ireland, on which the right hon. Gentleman, following the example of the Government, had laid such stress. He had from the first approved of taking every precaution against the possibility of so great a calamity as a famine in Ireland, and for the alleviation of the undoubted sufferings of a large class of the poor in that country; but he had likewise maintained that the prospects of famine had been exaggerated, and that the Government had been unduly alarmed, and misled by the reports they had received on the subject. He was not unconscious of the unpopularity and invidious observations which the course he had taken was calculated to bring upon him; nevertheless, in a matter of that grave importance, he felt it an imperative duty to state to the House what, in all sincerity, he believed to be the real truth of the case. He wished at the same time to guard himself from misconstruction; he bore in mind the melancholy fact that a large portion of the Irish people were habituated to live on the very verge of destitution, and that any failure in their almost only food, the potato, must sadly aggravate their sad condition. He had never denied that there had been in the last season a general disease in the potato, and a considerable failure: he had, therefore, lent his willing support to the remedial measures of the Government for giving labour to the unemployed, food to the destitute, and medicine to the sick poor of Ireland. He had not charged, as he had been accused of doing, the Government with wilful exaggeration, nor the officers of the Government, or those employed by them, with intentionally misleading the Government; but he had said, and then repeated, that the prospects of famine in Ireland had been in fact exaggerated, and that the Government had been in fact misled. He had been challenged for the proof of that statement. He was then prepared to make it. He would commence by referring to the first official document which had been presented to the House, namely, "the Report of Dr. Playfair and Mr. Lindley." In that was the following statement:—

> "We can come to no other conclusion than that half of the actual potato crop of Ireland is either destroyed, or remains in a state unfit for the food of man. We, moreover, feel it our duty to apprize you, that we fear this to be a low estimate."

That was on the 15th of November last. Now, that one document illustrated his whole statement, for no one could suppose that these eminent men were guilty of a wilful exaggeration; yet, when they said that in November one-half of the potato crop in Ireland was destroyed, there was not a practical man in Ireland who did not know that that was a monstrous exagger-

ation; and he (Mr. Shaw) would demonstrate it to the House. Why, if half the crop was gone in November, there would scarcely be a potato in Ireland at that moment, and the papers he held in his hand would show that not only were the Irish markets plentifully supplied with potatoes up to last Saturday, but that the market price was rather falling than rising. The next document was the Report of the Commissioners of Inquiry, sitting at Dublin Castle, and dated the 20th of January. Did they attempt to say that, even at that period, two months further advanced, half the potato crop was then gone? No such thing. They did not give any estimate of the loss. It was a difficult calculation to make with anything approaching to accuracy; but he had reason to know that so far as they had made it, their opinion was that at the end of January there might have been about one-fifth deficiency in the stock of potatoes. A fifth in January could not have been more than a tenth, instead of a half, in November; and was he to be blamed for calling that exaggeration? Then, as to the market prices, his hon. Friend (Mr. Miles) had obtained a return "of the highest price of potatoes in the various market towns of Ireland, in the week ending the 24th January, for the last seven years." The previous six years had been very low ones; but that document showed that on the 24th of January last the average price throughout Ireland was about 4*d.* the stone, or less than 3*s.* the cwt.; that was, at least, no evidence of famine: it was not more than a remunerating price. He should, however, be able to show that since then the price had not materially varied; that, in fact, it was, it anything, lower. He had from time to time, since that return had been placed in their hands, marked in the margin of it the variations in the price up to the latest period he could receive from market notes or otherwise authentic information; he had done so without making any selection, and the result was, that the price up to the present time was, as nearly as possible, the same as in January. He would read from different parts of Ireland a few samples to the House:—

POTATOES, PER STONE.

Belfast ...	Jan. 24.—6½*d.*		March 3.—5*d.*	
Randalstown ...	5	...	11.—6½	
Cork (City) ...	5½	...	21.—5	
Downpatrick ...	5	...	10.—4	to 4½*d.*
Newry	4½	...	3.—4	to 4
Enniskillen ...	4	...	10.—3½	to 4
Galway	4½	...	4.—2½	to 3
Gort	3	...	14.—2½	
Kilkenny...	Jan. 24.—4½*d.*		March 11.—5*d.*	
Limerick... ...	4½	...	12.—3½	to 5*d.*
Castlebar... ...	3	...	4.—2	to 3
Drogheda ...	6	...	13.—5	to 6
Nenagh	3	...	10.—4½	
Waterford ...	4	...	12.—3½	to 4½
Enniscorthy ...	5	...	8.—3¾	
Wexford	4½	...	4.—4	to 5

He had received that morning a weekly paper, the *General Advertiser*, printed last Saturday in Dublin, and furnishing market notes, with the last prices of potatoes, in thirteen market towns in various parts of Ireland, which he would shortly read to the House, taking them all in hundredweights:—

"Dublin, which was the highest, was 4*s.* to 4*s.* 6*d.*; Belfast, 3*s.* 6*d.* to 4*s.* 6*d.* Castlebar (Mayo), 2*s.* 6*d.*; Enniskillen (Fermanagh), 2*s.* 6*d.*; Kilkenny, 3*s.* 4*d.*; Limerick, 3*s.*; Mullingar (Westmeath), 3*s.* 6*d.*; Newry (Down), 3*s.*; Tralee (Kerry), the market note states, 'the potato market was plentifully supplied, and, as yet, no advance in prices beyond our former quotations;' Randalstown (Antrim), 3*s.* to 3*s.* 4*d.*; (and it was curious that Randalstown was the first town mentioned in the disease (Ireland) return, where disease was said to exist on account of insufficiency of food); Waterford, 2*s.* 6*d.*; and Wexford, 3*s.*"

Surely those returns indicated no famine price. Next, with regard to the Paper headed "Disease" (Ireland), presented to the House on the 13th of the present month; introduced so pompously, and with such threats of extinguishing his representations, by the immense impression it was to make upon the House; he lamented that even so much sickness, and apprehension of sickness, prevailed at the present time in Ireland as that return set forth; but he did not recollect a year in which, at that season, the same might not be said with truth of the sanatory condition of that country; and a more complete failure of the promise, as compared with the performance, to establish any alarming increase of fever as the consequence of famine, he had never met with. The Paper was headed "The most serious representations made by the several medical superintendents of public institutions." The first inquiry that occurred to the mind upon reading that document was, what was the entire number of such medical officers in Ireland, and what proportion did the number of extracts given bear to the whole? He believed the medical superintendents of public institutions in Ireland were in number nearly 700; and all the extracts given in the Paper in answer, he presumed, to a circular, only amounted to 108. He (Mr. Shaw) had analysed these, and he found of the 108 that only 29 gave any positive opinion

that fever or other epidemic had been caused by scarcity of food. Six, who reported that fever had appeared, declared that it was not owing to the scarcity of food; others attributed the existence or apprehension of disease to various other causes; such as wet weather, bad habitations, insufficient clothing, and, above all, want of employment. The following extracts, which he would take at random, afforded fair specimens of what these "representations" principally were:—

"Apprehends fever in districts; strongly recommends establishment of a fever hospital." "900 able-bodied men and an equal number of women, besides many small farmers, are seeking employment. Apprehends breaking out of disease. The people being unemployed, are unable to purchase food. Outbreak of fever frequent in summer months, and spreads rapidly for want of an hospital." "5,000 or 6,000 poor unemployed. Breaking out of disease apprehended in the spring and summer. Suggests the erection of a fever hospital in districts where destitution is heavily felt. Medical district of officer embraces a diameter of twelve miles from his residence."

Nothing could be more natural nor more just than that medical officers should recommend the establishment of fever hospitals, and a better provision for the sick poor in districts where, no doubt, such were wanting; and that seemed to him the whole drift of the return. He had then endeavoured to show, from the market price of potatoes throughout Ireland, which should be the best criterion; from a comparison of the Government's own Reports, and from an analysis of the Fever Return, that there was at present nothing approaching to a famine in Ireland: but he would like to complete his proofs by reading a few general communications. The first he had taken from the report of the charge of a learned Judge, delivered within the last fortnight in Omagh. He was a very humane Judge, of long experience, and also well acquainted with country affairs —he meant Mr. Justice Torrens. In referring to one of the Acts lately passed in that House for the relief of the Irish population, Judge Torrens observed:—

"I must say, however, in relation to this subject, that, in passing through the country, I have not been struck by any appearance of starvation or misery which may be said to be abroad. I have observed the potato fields and haggards of the farmers of the country as I have passed along, and I really must say that there is not more than the usual, if so much, appearance of misery or destitution throughout the country."

That was on the North-west Circuit; including Tyrone, Fermanagh, Donegal, Londonderry, &c. The next was from an hon. Friend of his, a Member of that House; and though the letter was private, and written for another purpose, yet, as it was very creditable to the feelings of his hon. Friend, he might mention his name —the hon. Member for Longford (Mr. Lefroy). The letter was dated the 18th of that month, and stated—

"It would in the present state of things be most important that all who can should remain as long as possible, with a view of ascertaining in the different localities the extent of real want, and endeavouring to relieve it and to guard against its increase."

Mr. Lefroy added—

"Your statement of the other evening as to the potatoes, is confirmed by my experience in Longford, Sligo, and Roscommon. I have been an eye-witness in those counties; but precautions are no doubt necessary."

Those were two counties of Connaught, and one of Leinster bordering on Connaught. He would take some other counties in Leinster, and next read an extract from the letter of a gentleman who resided in the county of Wexford, and was a grand juror of the county of Kildare, and who spoke of both counties; his letter was dated the 17th of that month, and it stated—

"It is perfectly true what you have stated in your place in Parliament, that the amount of distress in Ireland has been greatly exaggerated. Last Saturday I bought, in the public market of Naas, several barrels of potatoes for seed of the best description and perfectly untainted, at 5½*d.* per stone. Having come to this county to attend the assizes from the county of Wexford, where my family residence is, I am enabled to state that there also there is an absence of distress. On Saturday, the 8th inst., I myself sent to the market of Gorey, two loads of potatoes, sound and no appearance of taint; and the man in charge had to store them in Gorey. So great was the glut in the market, that he was unable to obtain a higher price than 3½*d.* a stone; and he considered that not enough. In Enniscorthy, distant from Gorey eighteen or twenty miles, the price was the same, and the same again in the town of Wexford."

As regarded the south, he had a letter from a gentleman residing near Cork, who said on the 18th, in allusion to his (Mr. Shaw's) statement in the House—

"I myself am a farmer, to the extent of from 300 to 400 acres; and, as a landlord and farmer, can safely say Ireland has not, in my memory, experienced a better year than the past."

From the neighbourhood of Fermoy, a clergyman of the Established Church wrote to him within the last week:—

"I am a friend to the principle of free trade; but I think a great question ought to be considered

on its own merits. The potato panic in this part of the country is *vox et præterea nihil.* I drove towards Kildorrery yesterday. The people were employed in opening their pits, and the universal answer to me was, 'They are very good.' My own are as good as I ever saw; and Mr. ——, of Old Town, near Donerailе, gave me a similar account of the neighbourhood about him."

The last extract was from a Presbyterian clergyman in the neighbourhood of the city of Cork, and it was the only communication in answer to one from himself; the others had all been casually received. [Mr. COLLETT: What is the date of the letter?] The 21st of March, last Saturday. The writer said—

"Since you left this neighbourhood," in the end of December, "the general opening of the pits show that the disease had progressed."

He wished to keep nothing back: the letter continued—

"And what is more strange, the injury appears most where most care has been taken to avert the malady; wherever the plans recommended by the Commissioners were adopted, the destruction of the potato appears more complete. In some districts the potatoes have been much less injured—as the barony of Inniskilly, from which a great supply is at present sent to the Cork market; farmers from which district proposed to let me have as many thousand stone as I wished guaranteed safe from disease at 5*d.* a stone. This is the market price of white potatoes to-day in the Cork market; the cups are 3*d.* All agree that the crop was more abundant by one-third than it has been for the last seven years; that the injured potatoes have been given to cattle in place of the good ones, formerly set apart for the same purpose; and that there is a greater quantity of potatoes in the country than is generally believed. Much has been done to spread the cry of famine by interested individuals, to make themselves popular, by calling on the wealthier class to subscribe funds for the purchase of provisions for the poor, and most people will inform you that distant districts are starving. From all this, it is evident that fears have been magnified not a little."

He hoped that he then had satisfied the House, that while he charged others with exaggeration, he had not himself been guilty of any in the former statement he had made to them. The right hon. Baronet at the head of the Government had rested so great a part of the case of his present measure on the foundation of the potato failure in Ireland, that he felt the more justified in dwelling upon it; but for his own part, if he were to admit that the failure had been to the utmost extent represented, he still should be at a loss to understand why the whole commercial policy of a great Empire should have been changed to meet a casualty which in this climate every thinking man who had supported the existing system of corn laws must always have contemplated as possible; and, if the system was good for anything, it must have been good to provide against contingencies to which they were constantly subject. Further, according even to the showing of the right hon. Baronet (Sir R. Peel) himself, it would have been like the old adage—"Live horse, and you shall have oats." The remedy would be too late for the disease. He still believed the measure would be disastrous to the best interests of England; but more unquestionably so in Ireland. When he saw that in the year ending the 5th of January last, there had been imported into Great Britain from Ireland upwards of 3,250,000 quarters of corn and flour of Irish growth, he could not comprehend those new political economists who said, if by the repeal of the Corn Laws you removed the artificial price that was then paid for their corn in England, it would be left at home for the poor Irish farmers and their own families to eat. He had certainly read something of political economy, although he did not profess to be a political economist; but at least he knew enough of the principles of common sense to think that you might as well tell the butcher and the baker that if they lost their customers they and their families might live plentifully on the meat or bread that would be left upon their hands, as tell the poor Irish oat-grower that he would be the better for losing his at present protected commerce with England. But none of the young converts talked free trade so glibly, there were none to whom the lessons of political economy seemed to come so easy, as his right hon. Friend Sir G. Clerk. His right hon. Friend appeared to think that the Vice-President of the Board of Trade was a piece of official mechanism in that respect; and he verily believed, that there was no one in the House doubted, including his right hon. Friend himself, that if the right hon. Baronet at the head of the Government had not changed his opinion on the subject, there would not at that moment be a stouter or burlier protectionist in the House than his right hon. Friend the Vice-President of the Board of Trade. His right hon. Friend had never said, so far as he knew, that he had altered his opinions, and his right hon. Friend very wisely had attempted no explanation; if his right hon. Friend had, he might borrow a short couplet from a character in dramatic history:—

"Ban, ban, Ca-Caliban,
Get a new master—be a new man."

The right hon. Gentleman the Member for Portsmouth (Mr. Baring) paid a great compliment to the protectionist benches in turning from the right hon. Baronet (Sir R. Peel), nominally at the head of the Government, and addressing his hon. Friends as if they were then the only influential party at that side of the House. The right hon. Gentleman seemed very inquisitive about what was to be their policy if they came into office. Taking warning from the example of the last and the present Government, he would advise his hon. Friends not to commit themselves by any pledges or promises of consistency. An hon. Friend of his had just put into his hands an extract from an answer of the right hon. Baronet the First Lord of the Treasury (Sir R. Peel) to somewhat of a similar question put to him in August, 1841. The right hon. Baronent (Sir R. Peel) then said—

"Upon this subject I must maintain precisely the same language which I held previously to the dissolution; at any rate, you shall not have cause to charge me with having, before the dissolution, employed language which, now that I have obtained a majority, I am inclined to modify, and that whilst I have assisted in removing you from office on account of distinct measures which you have proposed, I contemplate confirming myself in power by proposing measures of the same nature. I tell you frankly I contemplate no such thing."

That was what the right hon. Baronet (Sir R. Peel) said in 1841. But what had he done since? So he would recommend his friends to observe a prudent silence on such subjects. But, he was persuaded that office had never entered into the calculations of his hon. Friends. He, for his own part, could speak disinterestedly, for he not only did not contemplate office, but there was no office or situation that could be offered to him which he could accept. His hon. Friends had been formed into an independent party by the desertion of their former leaders, and a simple determination to oppose what they disregarded as a dereliction of principle, and a course injurious to the best interests of the country. The right hon. Gentleman (Mr. F. Baring) as representing the Whig party, seemed only to be able to regard political motives in connection with office. For a constitutional Whig the right hon. Gentleman was wonderfully apprehensive of an appeal to the constituencies. His hon. Friends neither desired the one, nor feared the other. But this much he would say, that he was persuaded they would not shrink from any responsibility that circumstances, not of their own seeking, should cast upon them. It was very obvious that no man, no matter what his abilities might be, could attempt to govern this country, who could only command about a hundred and twelve or a hundred and twenty followers in that House; and depend upon it, if the protectionist or independent party had, after a general election, a majority in that House, based upon sound and constitutional principles, they would not long be without competent men to lead them in both Houses of Parliament. He had all along felt that, bad as the measure was, a thousand-fold worse were the means which had been adopted to carry it. And up to that moment only three members of the Cabinet of November had made anything that could be called an explanation of their public conduct. One of the three to whom he alluded—the right hon. Baronet the First Lord of the Treasury—had placed his renunciation of the matured opinions of thirty years partly upon the experience of the last three years, but principally upon the Irish potato failure—a ground which he could not help thinking had itself since failed the right hon. Baronet. The conversion of the right hon. Baronet was sudden—indeed so sudden as to spread consternation throughout the country; but there was something so miraculously rapid in that of the young Gentlemen who used to come out, morning after morning, in the public papers with confessions of their "change of opinion on the Corn Laws," that if the subject had not been too serious, it would have covered the whole with ridicule. Such, however, as they were, that was a section who professed to have abandoned their former convictions, and to act upon their new opinions. There was another class who did not profess to have altered their former opinions, but only to act in opposition to them. The second member of the Cabinet who had explained, might be considered as the representative of that class; and they had in him no doubt the example of a great man—the greatest of living men—a man who for more than half a century had served his Sovereigns and his country as probably no one man had ever served them before. He seemed to think that some peculiar command of his Sovereign forced him to an act which, all must know, could only be a sacrifice to him. If his explanation was not perfectly intelligible, still the answer was, it was the Duke of Wellington, and, as regarded him personally, if England was not satisfied she must be silent. But, though the laurels of Waterloo could not thus be

withered, depend upon it they would not shelter the public reputation of the other nine, who seemed to have that only refuge. Their conduct was still unexplained, it was probably inexplicable. The remaining member of the Cabinet had given his explanation, as well by his acts as by his words; he had declared his principles, and he had stood by them. A man of ancient lineage, and of mind as noble as his birth, he had by his manly and straightforward conduct done much to redeem the honour of his order. If the measure were to become law, he earnestly hoped that his anticipations of its ill effects might not be realized. But at least throughout the present generation, the mode of carrying it would remain an indelible disgrace to English statesmanship. It would impair the national character of England throughout the civilized world. It had not only destroyed all public confidence in public men, but the ramifications of its blighting injury were untraceable. Making constituents distrustful of their representatives — dissolving old friendships into bitterness and execration—setting father against son, and son against father—it had disturbed all the relations of social and domestic life. The whole House, the entire country, would participate in the evil. All those who sat at his (Mr. Shaw's) side of the House must deeply share the sorrow; but let it be the consolation of the friends who surrounded him, and himself, that they had escaped the degradation.

The CHANCELLOR of the EXCHEQUER presumed that the cheers with which the remarks of his right hon. Friend had been received by those who sat around him were to be ascribed rather to the peroration of his speech, in which he had animadverted, with his accustomed severity, on the conduct of those with whom he was formerly connected, but whom he now opposed; for he could not believe that any of those hon. Gentlemen who had attended to the course of events in this country since the commencement of the year, or who had paid the most ordinary attention to what had been passing in that House, or to the reports which had been laid on the Table as to what was passing in Ireland, could have intended, by their cheers, to sanction or approve the statements which the right hon. Gentleman had made with respect to the existence of scarcity in the sister country. The right hon. Gentleman had commenced his speech by stating that he was now prepared to confirm, by detailed statements, what he had hinted at on former occasions when he had addressed the House —that there was not that ground for apprehension of scarcity in Ireland which Government had endeavoured to impress on the country; that those statements had been made with the particular view of supporting the Government measure, and had no reference to the real state of the country. The right hon. Gentleman had further referred to the documents on the Table of the House, for the proof of that fact. He should have heard these statements with considerable surprise from any one; but coming from an Irish Member, who ought to know the state of the country with which he was connected, they had astonished him. He had heard them with yet more surprise, knowing that the hon. Member for Somersetshire had stated distinctly, in an early period of the debate, that he was deeply impressed with the prevalence of distress in Ireland, and was prepared to assent even to a suspension of the Corn Law, with a view to afford relief. On what ground were these statements said to be exaggerated? The right hon. Gentleman said that the accounts on the Table of the House represented nothing more than what was the ordinary state of scarcity in Ireland. If that be so—if the people of Ireland are suffering under a degree of starvation such as was represented, and which every day's accounts confirmed—if they are suffering under sickness as described in these Papers—if they are threatened, moreover, with increased scarcity and increased sickness—and if this be the ordinary state of the population of the country, what shall we think of those who, when the Government comes before the House, and asks for the means of increasing the quantity of food in Ireland, and of preventing, if possible, the recurrence of such calamities, think it consistent with their duty to oppose the measures of the Government, to resist the more extensive introduction of food, and to prevent the diffusion of comfort among a people whose ordinary state was alleged to be what these Papers describe. Let him read to the House what were the statements with respect to the population of Ireland at this moment—whether it was the ordinary state or not, he would not stop to inquire. He would begin with the most favouredpart of Ireland—Ulster. From Market-hill the report was—

"Fever, diarrhœa, and dyspepsia, have increased considerably, and are in many cases traceable to the use of unsound potatoes. It is very probable that fever will break out and spread, especially among the lower orders."

From Belturbet, in Cavan, the report was—

"Dyspepsia, dysentery, and diarrhœa, caused by unsound food; cottiers are without even tainted potatoes for food; many unemployed poor are in a starving condition; breaking out of disease, arising from scarcity of food."

From the Tullagh Dispensary, Clare, the reports were—

"Fever patients have increased nearly two-thirds, compared with the last year; many of the poor unemployed; potatoes daily getting worse."

This statement mentioned the want of employment. What was want of employment in Ireland when food was scarce? The people of Ireland were not generally employed on wages: during great part of the year they lived on the produce of their land; the potato was to them their chief subsistence during the period of the year in which they had no employment. Therefore, when it was stated that the people were unemployed, and that the potatoes on which they had relied were diseased, it was as much as saying that there was a total failure in the means of subsistence for themselves and their families. He might read similar accounts from other counties; but he trusted that the Members of the House had read those accounts, and would not be turned from giving weight to them by the statements of the right hon. Gentleman. So much for the sickness that was prevalent; but the right hon. Gentleman said that potatoes were not so scarce, that there was no deficiency to alarm any one, and quoted the price of potatoes in several market towns in Ireland during the month of January last, to impress upon the House that the price was not excessive. But, he would ask, why had not the right hon. Gentleman informed them of the comparative price in this, as compared with previous years? The criterion of the pressure on the population was the comparative price of the food they consumed; and if it was double now what it was last year, it was obvious that the lower classes in that country must suffer deeply from that pressure. He could show to the satisfaction of the House that the price of potatoes in Ireland had risen to a degree that must cause the greatest possible suffering. There had been a Return moved for of the price of potatoes in the several market towns in Ireland. From that it appeared, that in the county of Antrim the price in 1845 was 3*d.*, and the present price 6½*d.*, being an increase of more than 100 per cent. But there was another circumstance to be borne in mind. It was well known to every one in the House, that at a period when the whole crop in the country was supposed to be diseased or unsound, there was a great desire at an early period to dispose of the article, which would not be felt at another time; and if at such early period, and especially before the month of May, those who had potatoes had any doubts of their soundness, they rushed to the market and disposed of them before the decay should render them unsaleable and useless; thesefore the comparison of 6½*d.* in 1846, and 3*d.* in the antecedent year, did not sufficiently represent the truth of the case; it represented an aggravation of price, but not that extreme distress which impended over the people. He (the Chancellor of the Exchequer) had said, on a former occasion, that the ordinary price of potatoes was 2*d.* a stone—the right hon. Gentleman said 4*d.* But the Papers on the Table of the House showed that, at many market towns in the county of Antrim, to which the right hon. Gentleman had referred, the highest prices in antecedent years had been 2*d.* a stone, 2¼*d.*, and 2¾*d.*, whereas they had now risen to 5*d.* and 6*d.* At Bushmills the price, in 1845, was 2*d.*, in 1846, 5*d.*; at Carrickfergus, in 1845, 3*d.*, in 1846, 6*d.*; at Cushindall, in 1845, 2*d.*, in 1846, 4½*d.*; showing, therefore, an enormous increase. The right hon. Gentleman had said, upon the credit of some selected letters from Ireland, that there was not any real scarcity of food there. He admitted that there were places—in the county of Wexford, for example—in which the potatoes were not affected in the same proportion as in other parts of the country; but there were large districts, in different parts of Ireland, in which pits of potatoes recently opened were found either so putrid as to be unfit for the food of animals, or in which the quantity not decayed was exceedingly small. His right hon. Friend had ridiculed the reports of the persons who had been sent over to Ireland to ascertain the state of the potato crop, and had supposed that, where the potatoes were damaged, it was in consequence of the remedies suggested by those gentlemen being applied to them. Whether this was the case or not, he could not determine from personal knowledge; but the uniform tenor of the advices he had received was, that the people did not adopt the recommendations of those gentlemen. He should be happy if he could persuade himself that the extent to which the disease of the potatoes was

likely to reach had been exaggerated; but he received representations every day from gentlemen connected with the Commissariat, confirming in all respects the sad state of the potato crop, of pits being opened, in which the potatoes were absolutely rotten. The right hon. Gentleman had referred to the evidence of Mr. Justice Torrens, as opposed to the representations given by other persons. He (the Chancellor of the Exchequer) knew Mr. Justice Torrens, and he had as high a respect for his opinion as his right hon. Friend could have; but when Mr. Justice Torrens wrote a letter to his right hon. Friend—[Mr. SHAW: It was not a letter. I quoted a charge to the grand jury.] When that respected Judge stated in a charge to the grand jury that he observed no difference in the crop of potatoes, as he had had no means of accurate investigation, he could not attach so much weight to that gentleman's testimony on that particular occasion, when opposed to the statements of those who saw pits opened, and saw the condition of the potatoes in them. He had risen merely with a view of not permitting the House to separate this evening under the false impression which might be made upon it by his right hon. Friend. He wished to point out the real circumstances of the disease, and the distress in the country for which they had to provide; taking the Papers on the Table as representing comparative prices of the article, it would be seen that, in some cases the prices were more than double what they had been in former years, and in all cases greatly aggravated. And he thought the House would be satisfied that this was no ordinary case of distress; that it was an occasion which called upon the House to make those exertions to relieve that distress in which it had so readily concurred. His right hon. Friend seemed to say that this was not a moment at which provision ought to be made to increase the food of the people, and said that he could not reconcile to himself the means which the Government had taken to effect that object. His right hon. Friend, as he said, did not consider consequences, but went straight to his object. But his right hon. Friend was not responsible for the conduct of public affairs, nor charged with the duty of relieving the wants of a people suffering under the pressure of great distress; and therefore his right hon. Friend ought to make some allowance for those who, standing in a different situation, did look to consequences, and, placed in the responsible position of watching over a people labouring under great difficulties, did recommend to Parliament the adoption of measures which they thought necessary, and made that recommendation without regard to that consistency of political opinion which his right hon. Friend deemed to be so high a virtue that it ought to stand between them and the fulfilment of a duty they owed to the people. But he could not think his right hon. Friend could reconcile to himself not to adopt some permanent measure of relief. The people of Ireland had been in the habit of subsisting upon an article of food which was in a state of decay. The effects of that decay were not limited to the present time only, but must be felt for years to come. His hon. Friend the Member for Lincolnshire, in the able speech which he had made against the measure of Government, had admitted that the results of the experiments he had made showed that the effect of the decay would last for many years. Under all these circumstances, his right hon, Friend would have done well to consider what course it was expedient for him to pursue. It was not enough for him to say no to the measures of the Government; but it became him to point out what course he would take to avert such evils, and guard against the recurrence of them. Having before had an opportunity of addressing the House on this subject, he would not now enter again upon an explanation of the motives which had actuated him in the course he had adopted, although his right hon. Friend had repeated his animadversions, He had only to state that, seeing distress and danger in the country—thinking they were not temporary only—believing that the only mode they were to be met was, the free admission of every article of food, and that that was the only course by which they were to be prevented for the future—he had had no hesitation in giving his concurrence to the proposed measure, however at variance it might be with his former opinions. He thought that being able to lay claim to consistency of political conduct, was a small weight in the balance, as against the necessity of providing for the subsistence of a famishing people.

The EARL OF MARCH would not have risen at all, did he not think it a paramount duty under existing circumstances to come forward and state his views on the measures which had been brought under their consideration. He thought a remark which had fallen from the right

hon. Gentleman who had just sat down, somewhat unjust as regarded his hon. Friends around him; if they had resolutely opposed, and declared they would oppose, an extraordinary measure brought in under extraordinary circumstances, his remark might be just; but the fact was otherwise. He came now to the remark which had been made in the course of the evening by the hon. Baronet the Member for Hull. He confessed that he was astonished at the course which the hon. Baronet took. He began by taking them over a long and somewhat rambling course to the Bedford Level, and works in conjunction with them. The hon. Baronet said that Corn Laws had existed in 1600; and he brought them down very regularly through every Corn Law to 1828, and condemned as most unjust and unwise each and all the laws on this subject. He confessed, when he heard the hon. Baronet come down to 1828, he thought that when the hon. Gentleman had disposed of that law, and all others, he would naturally allude to the Corn Law of 1842; but, by a strange coincidence, the hon. Baronet stopped short. He said not a syllable about the law of 1842, and left them, therefore, to conclude that that law was a perfectly just and sound one. He confessed that nothing he had heard from the right hon. Baronet at the head of the Government, or from his new allies on the other side of the House, had induced him to alter the opinion he had formed as to the merits of this measure. He could see no one, either on the Treasury bench or on the other side of the House, who had put forward any solid or tenable grounds for the extraordinary conduct of Her Majesty's Ministers. For it was not a modification of the law of 1842 that was proposed, but a departure from the principle of protection—in fact, the utter abandonment of that principle. They had had a Corn Law for 300 years; but now they had been rashly called upon to adopt and act upon what the present Secretary for the Colonies had well termed a vain theory—the theory of perfect free trade. That he might not mistake the words of that right hon. Gentleman, he would quote them. The right hon. Gentleman said, in speaking of the alteration of the Corn Laws then proposed—

"That it would be a benefit to the entire community, as containing that principle which the House was pledged to maintain, a reasonable protection to the agricultural interests of the country, and to that large and decidedly preponderating proportion of the people which was essentially connected with and dependent upon the agricultural interest."

These were the words then used by the right hon. Gentleman. It had been stated by the Secretary at War, and by other hon. Members, that if there was free trade in corn, a great influx of it might be at times expected from foreign countries; that it would be a very dangerous thing to throw the land in the country out of cultivation, and make us dependent upon foreign countries; and he had never yet heard these arguments answered. He would now endeavour to show that other countries could grow corn cheaper than us, and a great deal more corn than they did at present; and also that there would be great danger in depending on them for a constant supply. He would, for the last time, quote from *Hansard* an authority of the greatest possible weight with the right hon. Gentleman at the head of the Government—namely his own—his own speech in 1842 on the Corn Laws. This was what the right hon. Baronet said on that occasion:—

"I shall now take the returns of Mr. Meek, to which so much reference has been made. Now, with regard to Denmark, if you admit the principle, that with the averages we have nothing to do, but that the real question is, what is the port from which corn will come at the lowest price; and what is the rate of freight at that port, and the expense of importation from it, which are the real questions for consideration? What does Mr. Meek say as to Denmark? Mr. Meek says, that during the last twenty-five years the average price of wheat at Denmark has been 28*s.* 10*d.* per quarter; of barley, 14*s.*; and of oats, 10*s.* 6*d.* And he also says that, in case of a regular and steady demand arising in England, the quantity of corn produced in Denmark and Holstein might without much difficulty be considerably increased; and in passing a law for the regulation of our own corn trade, is it not wise to consider what are the possibilities of the case? And in determining upon a plan which may seriously affect the agriculture of this country, is it not wise and proper for me to consider not only what may be the prices of corn in foreign countries at the present time, but what effect might probably be produced upon those prices by increased railway communication, by a regular demand, or by diminished freight? Am not I bound to take all these considerations into account when I am trying to arrange a plan which may be permanent and satisfactory, and without possibly the opportunity of retracing my steps? Mr. Meek further says that the rate of freight at Copenhagen and Elsinore varies from 3*s.* to 3*s.* 6*d.* per quarter; and that the average prices paid in those provinces, did not exceed the following:—Wheat, from 23*s.* 6*d.* to 29*s.*; barley from 10*s.* 9*d.* to 15*s.*; and oats, from 10*s.* 6*d.* to 12*s.*; and he says that, if the trade in corn was steadily and regularly open at a moderate duty, he has no doubt that wheat and barley could be grown to a much greater extent. I think then I have shown, that if the average price of wheat

is 28*s.* 10*d.* per quarter, and the price of freight from Denmark does not exceed 4*s.*, that, at least from Denmark, an opportunity would be afforded by my scale for the introduction of corn into our market, when the price here was lower than 61*s.* or 62*s.* But perhaps you may say that the quantity which could come from Denmark is wholly inconsiderable; but Mr. Meek says that from 300 to 350 quarters of wheat, from 250 to 300 quarters of barley, and from 200 to 250 quarters of oats, is the smallest quantity of corn annually shipped for Great Britain; that is to say, at the prices which I have mentioned, from one country alone, 700,000 quarters of corn are exported from Denmark, and brought here, and that in years of common fertility."*

He could quote a great deal more from the same speech, but would not at that late hour fatigue the House. If this statement was right as respected Denmark and Sleswick Holstein in 1842 — if it were not right to depend on foreign countries then—if it were unwise at that period to adopt a measure which had thrown the land in this country out of cultivation, why should it not be equally unwise to adopt it at the present time? This question had been often argued as if it were merely a landlords' question. He maintained that such was not the case. The first class that would suffer by the measure was the tenant-farmers and the labourers. The small landowner who resided in the country, acting as a magistrate, performing a responsible duty as a country gentleman, settling disputes among his neighbours, and preventing litigation, who was looked up to and respected by the poor—if the income of these valuable persons were diminished, they would be obliged to leave the country with their families in order to escape the poor rate and the pressure of the local burdens. It would fall with peculiar severity on the tenants and labourers: that most respectable class the yeomen, who lived on property varying in value at from 50*l.* to 200*l.* or 300*l.* a year, would be obliged to sell their possessions —those men who enlightened by their example, and rewarded the exertions of the meritorious labourer, would be banished, and thus a great link in the social system would be broken. But the shopkeepers in the rural towns would likewise suffer, and the mechanic and the merchant; for, their customers being ruined, they must share in the general calamity. He must, therefore, deprecate the rushing into a desperate legislation without any experience of any sort to guide them as to the result. The right hon. Gentleman at the head of the Government had cautiously avoided telling what his opinion was as to the prices of agricultural produce in the event of the proposed measure becoming the law of the land, although that question had been most pertinently asked by his noble Friend the Member for Lynn. The right hon. Gentleman had only stated that he had been so unsuccessful in his former predictions regarding the price of wheat, that he would on the present occasion maintain a solemn silence. He protested against a measure which would place in jeopardy the landowner, the occupier, the labourer, and the shopkeeper in the rural districts; he thought the measure would likewise operate to the disadvantage of the manufacturer and the merchant, who were connected with any branch of our colonial and native industry; and entertaining those opinions, he had resolved, as his constituents had done him the honour to send him to Parliament, to vote against the measure, and to do all in his power to prevent panic and an agitation from triumphing ever safe, sound and deliberative legislation.

Debate adjourned.

House adjourned at half-past Twelve o'clock.

* Hansard's Debates, Vol. lx., p. 602.

HOUSE OF COMMONS,

Wednesday, March 25, 1846.

MINUTES.] PUBLIC BILLS.—1°· Destitute Poor (Ireland); Coroners (Ireland).

PETITIONS PRESENTED. By Mr. Aldam, from Inhabitants of the Village of New York, for Better Observance of the Sabbath.—By Sir G. Strickland, from Preston, in favour of a Ten Hours' (Factory) Bill.—By Mr. Bateson, from Guardians of the Magherafelt Union, for Alteration of Poor Law (Ireland).

House met at Twelve o'clock.

SCOTTISH CENTRAL RAILWAY. AMALGAMATION BILLS.

LORD DALMENY moved the Second Reading of the Edinburgh and Glasgow, and Scottish Central Railways Junction Bill.

MR. F. MAULE hoped that his noble Friend would not press the second reading of that Bill at present. He was not opposed to it, but merely wished it to be delayed until the Report of the Committee that had been appointed to inquire into all Amalgamation Lines of Railway should be received.

LORD DALMENY begged to remind his hon. Friend who had intimated that he was not opposed to the second reading of the Bill, that he had given a notice of a

Motion to read the Bill a second time that day six months; therefore he had every reason to believe, that it was the intention of his hon. Friend to oppose the Bill in all its stages. He hoped the House would allow the second reading, so that the merits of the Bill might be gone into in Committee, where he would be prepared to meet all the objections that his hon. Friend might there make to it.

MR. F. MAULE said, his opposition to that Bill was purely upon public grounds, and he believed he might with safety state, that it would be opposed to the interests of his own constituents of the city of Perth. He was opposed to it because he did not wish to see the entire communication between the north and south of Scotland become a great monopoly by being thrown into the hands of one particular body, which the amalgamation of these two lines of railway was calculated to effect. When he had given his notice of Motion that the Bill should be read that day six months, he was not aware that his hon. Friend the Member for North Lancashire (Mr. W. Patten) had given notice of the Motion for the appointment of a Select Committee to inquire into the subject of proposed Amalgamation Bills; and as that was the case, he did not intend to proceed with the Motion for which he had given notice, but merely intended to move in place of it that the Bill should be read that day six weeks, which would allow sufficient time for the Report of the Amalgamation Committee to be received. He would therefore move as an Amendment, that the Bill should be read that day six weeks.

MR. W. PATTEN was of opinion that the Committee had nothing whatever to do with the second reading of that or any other Bill; and he would recommend with regard to the second reading of that Bill, that the discussion should take place upon its merits without waiting for the Report of the Committee, whose duty it was to inquire into a different matter, which the second reading could not possibly interfere with.

VISCOUNT DUNCAN was delighted with what had fallen from the hon. Member (Mr. Patten), who was Chairman of the Classification Bill; and he would recommend his hon. Friend to follow his example. He was opposed to postponement. His hon. Friend wished to obtain time to bring down his forces, and oppose the further progress of the Bill.

MR. F. BARING was favourable to the suggestion that the second reading of the Bill should be postponed till the Report of the Amalgamation Committee should be received, as, in case the Bill was then read a second time, and allowed to go into Committee, and afterwards that it should appear that the Report of the Amalgamation Committee was against its further progress, and it should then be thrown out, an unnecessary and useless additional expense would have been incurred; therefore, he was of opinion, as the House had appointed the Committee, that it would be much better to postpone the second reading of the Bill until the Report was received.

SIR G. CLERK said, that the House having appointed a Committee to inquire into all the proposed amalgamations, he thought it would be very inconsistent in them if they did not adopt the Motion of his hon. Friend the Member for North Lancashire, for the suspension of all Amalgamation Bills. He would suggest that the Motion of the right hon. Gentleman the Member for Perth for the postponement of the second reading of the Bill then before the House till that day six weeks should be withdrawn, and that the right hon. Gentleman would allow that Bill to take the same course as the others; and the House should not allow the second reading of that or any other Amalgamation Bill, but that they should all be suspended in their present stages, with the view that no prejudice should be taken against any of them in particular.

MR. FOX MAULE had no objection to withdraw his Motion for the six weeks' suspension, and substitute any other time by which it was thought the Committee would have made their Report.

MR. LOCH thought, that as other Amalgamation Bills had been permitted to go through the preliminary stages, and had received a second reading, it would look like an unjust and partial proceeding if the Bill before the House were not to be treated in the same manner.

VISCOUNT EBRINGTON observed that his experience as a Member of the Committee to whom had been referred a group of Caledonian lines enabled him to state that in the great majority of cases the idea of competition between railway companies was altogether illusory. Some general rules ought unquestionably to be laid down applicable to different cases of amalgamation, otherwise great confusion and inconvenience would result in consequence of the

Committees coming to all kinds of conflicting decisions. Instead of appointing a Committee to take the question of amalgamation into consideration, the better course by far would have been for the Government to have taken the matter into their own hands, and to have come before the House at an early period of the Session, prepared with general rules and regulations to govern the conduct of the Railway Committees in all cases of proposed amalgamation.

MR. STUART WORTLEY was for placing this Bill in exactly the same position with other Amalgamation Bills, which had been permitted to receive a second reading, and he would accordingly vote against the postponement.

MR. P. M. STEWART was averse to the second reading, for he was of opinion that the wisest course that the House could adopt was to order all Bills of this description, without any exception whatever, to remain in *statu quo* until the Report of the Select Committee which had been appointed to take the general question of amalgamation into consideration had been laid before the House. If the door were to be opened for the admission of the present Bill, all other Amalgamation Bills would of course be entitled to enter as well.

The CHANCELLOR OF THE EXCHEQUER was under the impression that the moment that they had resolved to appoint the Committee of Amalgamation, the House had substantially laid down the rule, that until the decision of that Committee was known, all further proceedings in the case of Amalgamation Bills were to be suspended. He was for adhering to this course, and thought that the present Bill, and all others of a similar character, should be permitted to fall under the same rule. Much inconvenience would assuredly result if, on the strength of a precedent which had been set last night, all Railway Bills of this description were to receive a second reading, while the question which involved the course to be pursued in reference to amalgamation generally was still pending.

MR. F. MAULE then withdrew his original Motion, and moved—

"That the Second Reading of this Bill be postponed until the Report of the Committee on Railway Amalgamations should have been laid before the House; and that a similar rule shall apply to all other Bills for the Amalgamation of Railways."

MR. HOME DRUMMOND said, that he should certainly support the second reading of this Bill, as he could see no other definite line to draw between the Amalgamation Bills that were to be advanced, and those that were to be stopped, than the passing of the Motion of the hon. Member for North Lancashire, which had this object specially in view. If the House were to go back to the first expression of the intention to interfere with Amalgamation Bills, they could not apply that rule to the present Bill without manifest injustice; for they had already allowed other Bills to be read a second time since that intention was announced. They could not treat this Bill differently without fixing on it a stigma which would affect it most injuriously in the estimation of the public.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes, 40; Noes, 34: Majority, 6.

Bill read 2ª.

TURNPIKE ROADS (SCOTLAND).

MR. F. MAULE moved that the House do resolve itself into a Committee on the Turnpike Roads (Scotland) Bill.

MR. LOCKHART moved as an Amendment to substitute the words that "the House will resolve itself into the said Committee that day six months." If the Bill passed, he considered that it would not at all diminish the number of toll-houses selling spirits. It was beginning at the wrong end; it would be far better to revise the system of licenses.

MR. F. MAULE said, the House had already divided upon the principle of the Bill, and he had hoped that there would not have been a second discussion and a second division upon its principle. Except upon public grounds, he should not have interfered in the matter; but there were crying evils arising from the sale of spirits at toll-houses. It was well known to almost every hon. Member present that the practice of selling spirituous liquors at toll-bars was a privilege which at various times had been grievously abused. Some most frightful crimes had been committed in houses of that description—witness the Gilmerton case. Still he thought that a prohibition respecting the sale of refreshments at toll-bars ought not to be rendered universal. Such a privilege, however, ought to be the exception, and not the rule. He should not object to the introduction of a clause giving the magistrates

a discretionary power of licensing those houses in certain cases.

SIR J. M'TAGGART should vote against going into Committee, unless exceptions were made in certain cases.

MR. FORBES thought it was unnecessary to define the duties of the magistrates in reference to this matter.

MR. P. M. STEWART was of opinion that refreshments should not be sold at toll-bars unless when they were situate at a great distance from public houses.

MR. FORBES MACKENZIE was opposed to the Bill, but he thought the whole subject of licenses ought to be inquired into; and if no other hon. Member submitted a Motion to the House for inquiry, he would himself.

MR. HOME DRUMMOND said, he was glad to hear from the right hon. Gentleman that the Bill was to be so far improved that a modification was to be made of the prohibition of licenses at toll-bars; but still he could not withdraw his opposition. He did not oppose it on the ground of no interference with the system of licensing in Scotland being necessary. On the contrary, he considered the subject full of abuse, and would give his cordial support to the Motion which his hon. Friend the Member for Peebles had expressed his intention to make. This Bill he considered altogether trifling with the subject as to the moral effects to which the right hon. Gentleman attached so much importance, and practically, if it should pass, it would be found useless and unworkable.

The House divided on the Question, that the words proposed to be left out, stand part of the Question:—Ayes, 30; Noes, 18: Majority, 12.

List of the AYES.

Baring, rt. hon. F. T.	Hodgson, R.
Bodkin, W. H.	Howard, P. H.
Busfeild, W.	Jolliffe, Sir W. G. H.
Carew, W. H. P.	Labouchere, rt. hon. H.
Courtenay, Lord	M'Taggart, Sir J.
Denison, E. B.	Morrison, J.
Dickinson, F. H.	O'Brien, A. S.
Ebrington, Visct.	Scrope, G. P.
Ellice, rt. hon. E.	Seymer, H. K.
Etwall, R.	Stewart, P. M.
Fox, S. L.	Strickland, Sir G.
Frewen, C. H.	Thornely, T.
Fuller, A. E.	Wawn, J. T.
Greene, T.	
Grey, rt. hon. Sir G.	TELLERS.
Hawes, B.	Maule, F.
Henley, J. W.	Horsman, T.

List of the NOES.

Arbuthnot, hon. H.	Baillie, W.
Arkwright, G.	Baird, W.
Boldero, H. G.	Packe, C. W.
Buckley, E.	Rolleston, C.
Dennistoun, J.	Trelawny, J. S.
Egerton, W. T.	Wood, C.
Forbes, W.	Wortley, hon. J.
Hope, Sir J.	
Houldsworth, T.	TELLERS.
Lockhart, A. E.	Drummond, H.
Mackenzie, T.	Mackenzie, W. F.

Clause 2, after three divisions, was struck out.

MR. F. MAULE said, he should withdraw the Bill. He had done what he could to remove the stigma that attached to making the turnpikes pothouses. After this, if any accidents occurred in consequence of drunkenness at these places, the Government would be responsible for them.

MR. S. WORTLEY suggested that the whole subject had better be referred to a Committee upstairs. When he found an overwhelming majority of Scotch Representatives against the Bill, he thought himself justified in assisting to defeat it, but he was favourable to the object mainly proposed to be attained.

House adjourned at half-past Four o'clock.

HOUSE OF LORDS,

Thursday, March 26, 1846.

MINUTES.] PUBLIC BILLS.—1ª. Marine Mutiny; Mutiny.
2ª. Out-Pensioners' Payment (Greenwich and Chelsea); Out-Pensioners' Services (Chelsea and Greenwich).
3ª. Consolidated Fund; South Sea Company; Insolvent Debtors (India).

PETITIONS PRESENTED. By the Marquess of Londonderry, and Lord Campbell, from Wardens and Commonalty of the Mystery of Goldsmiths, and from the Master and Four Wardens of the Fraternity of the Haberdashers, praying to be Exempted from the Operation of the Charitable Trusts Bill.—From the Mayor and Corporation of Kilkenny, for the Amendment of the Irish Poor Law.—From Householders and Ratepayers of Ringagonah, for Alteration of the Irish Poor Law, and for Equalization of the Poor Rates.—From Guardians of the Carrickmacross Union, for Alteration of the Irish Poor Law in respect to the Repayment of Money advanced for the Building of Workhouses.

FEVER (IRELAND).

The EARL of CLANCARTY said, he wished to put a question to his noble Friend (the Earl of St. Germans). It would be remembered that a Bill had been brought up on Friday last, from the other House of Parliament, to make provision for the apprehended prevalence of fever in Ireland. That Bill, by a suspension of the Standing Orders, had gone through all its stages, and had become the law of the land. It was a measure which had been conceived in a spirit of benevolence, and as such he should not have offered the slightest opposition to the speedy passing of it. He,

however, must remark that an addition had been made to the Bill in the Commons by the addition to the word "fever" of "and other diseases." Now the Bill was a measure of emergency to meet the fever apprehended, and so far it was right; but under the Irish Poor Law Act, the boards of guardians had full power to act in other cases. He believed the real value of the Irish Poor Law was that it was calculated to carry out the social regeneration of that country, under its administration by local boards of guardians; and he wished to know from his noble Friend whether the Government felt that there had been exhibited such an indifference, neglect, or omission of duty on the part of the boards of guardians in Ireland, as to render the Bill to which he alluded necessary, and whether there had been any communication between the boards and the Government prior to the passing of the Bill.

The EARL of ST. GERMANS replied that he had no hesitation in assuring his noble Friend, that by passing the measure alluded to, there had been no intention on the part of the Government to cast any reflection whatever on the boards of guardians in Ireland. If his noble Friend would refer to the Bill, he would see it was only a temporary measure passed for one year, and that it actually increased the powers of the boards of guardians to order, in case of sickness, not anly medicine but nutriment to be administered to the poor at their own dwellings. He was happy to bear his testimony to the general zeal and efficiency of the boards of guardians in Ireland.

THE NAVY—THE BELLEROPHON AND THE CALCUTTA.

The EARL of HARDWICKE regretted that a noble Friend of his, who was not in his place, had not when, a few evenings ago, speaking of the fitting out of the Bellerophon, and of the praise due to the officers and men engaged in it, noticed the fact of another of Her Majesty's ships having been fitted out at the same time in an equally seamanlike and expeditious manner, the only difference being, that one was fitted out at Portsmouth, and proceeded to Spithead; the other at Plymouth, and proceeded to the Sound. He thought equal credit was due to both, and regretted that his noble Friend, when he brought the subject before their Lordships, had considered it necessary to speak but of one.

The EARL of ELLENBOROUGH said, that praise was due equally to both, and the omission of the mention of one was, he presumed, a mistake.

House adjourned.

HOUSE OF COMMONS,

Thursday, March 26, 1846.

MINUTES.] PUBLIC BILLS.—2°. Customs Duties. *Reported.* Burghs (Scotland).

PETITIONS PRESENTED. By Mr. John O'Brien, and Mr. John O'Connell, from Guardians of the Limerick and Glenties Unions, for Repeal of the Union.—By Mr. Shaw, from Bishop and Clergy of the Diocese of Kilmore, for Alteration of the Church Temporalities (Ireland) Act.—By Mr. Bramston, from Dean and Clergy of the Deanery of Maldon, and by Sir Stephen Glynne, from Ministers and Churchwardens of the Parish of Tremeirchion, against Union of St. Asaph and Bangor Dioceses.—By Mr. Wodehouse, from Yeomen and Farmers of Happing, for Alteration of the Tithes Commutation Act.—By Mr. Wodehouse, from Landowners and others of Catfield and Stalham, against the Corn Importation Bill.—By Mr. Farnham, Mr. Newdegate, Colonel Rolleston, and Mr. Wodehouse, from a great number of places, against the Repeal of the Corn Laws.—By Sir Robert Peel, from Merchants of Nottingham, and Deputy Lieutenants, and others, of the County of Nottingham, in favour of the proposed Measure respecting Customs and Corn Importation.—By Sir Robert Peel, from Mayor, Aldermen, and others, of the Borough of Manchester, for a Speedy Adjustment of the Measure respecting Customs and Corn Importation.—By several hon. Members, from various places, for Limiting the Hours of Labour of Children and Young Persons employed in Factories to Ten.—By Mr. John O'Brien, from Physicians and Surgeons of Limerick, for Better Regulation of Medical Charities (Ireland).—By Mr. M. F. F. Berkeley, from Masters, Mates, and Seamen, of Shoreham, for Inquiry into the Merchant Seamen's Fund.—By Mr. Sharman Crawford, from Wells, against Enrolment of Militia.—By Mr. Greene, and Colonel Rolleston, from Guardians of the Lancaster and Basford Unions for Alteration of the Poor Law.—By Colonel Rolleston, from Freeholders and others of Sutton Bonnington, against the Poor Removal Bill.—By Colonel Rolleston, from the Presbytery of Deer, in favour of the Turnpike Roods (Scotland) Bill.

PROTECTION OF LIFE (IRELAND) BILL.

MR. MILNER GIBSON requested to know if it were quite decided that the Irish Coercion Bill should take precedence of the other Orders of the Day on Monday next, or whether, upon subsequent consideration, the right hon. Baronet had not thought it better to let the Corn Bill proceed first?

SIR R. PEEL had stated, on a former occasion, the intentions of Her Majesty's Government regarding the precedence of the several measures alluded to by the hon. Gentleman, and they had seen no reason since to alter their determination. The "Bill for the Prevention of Assassination in Ireland," for he did not call it a Coercion Bill, he had stated should be brought forward, and he had added that it was the only Government Bill which should be permitted to interpose between the remaining stages of the Corn Bill. He had stated

that it should be read a first time on Monday next, and, with that single exception, no other public business whatsoever should interfere with the progress of the Corn Bill.

Mr. MILNER GIBSON supposed that the right hon. Baronet was not aware, he probably had not been in the House when the hon. Baronet near him (Sir W. Somerville) announced his intention of proposing an Amendment to the Motion for the first reading.

Sir R. PEEL was not aware that notice had been given of any Amendment; and he did hope that hon. Gentlemen opposite would feel, that as there would be so many opportunities of discussion afforded during the many subsequent stages through which the Bill would have to pass, no debate would be urged upon the first reading. He trusted that hon. Gentlemen would perceive that abundant opportunities would be afforded to discuss the Bill, to render it unnecessary for them to adopt the course of commencing an opposition so early as the first reading, and thereby delaying the progress of the other important measures.

Mr. O'CONNELL said, that no one could regret more than he did that any delay should be given to those important measures. He was exceedingly unwilling to interfere with the progress of the Corn Laws; but to the other (the Coercion) Bill, he and the hon. Members near him were bound to give every opposition in their power.

Sir R. PEEL must adhere to the original intentions of the Government.

THE LAW OF SETTLEMENT.

Mr. BANKES rose to move for a Select Committee, to inquire into the Laws relating to the Settlement and Removal of the Poor. It was from a desire that the two measures—the Corn Bill, and what would really be a Settlement Bill—should accompany each other to the other House of Parliament, that he now rose to make the present Motion. Other measures had been promised in the original statement of the right hon. Baronet—measures which should accompany the Corn Law—but they were, in his opinion, of such little importance, that with regard to them he did not think it necessary to adopt the same course which he now felt it his duty to adopt with regard to the law of settlement. The right hon. Baronet had pointed out also the evils of the present law of settlement in his original statement. The right hon. Baronet had said, that under the present law the labourer having spent the best of his life and energy in the manufacturing districts, was compelled in old age and adversity to return to his home in the agricultural counties. He had said, that the Government, by their new law of settlement, proposed to relieve the land of a burden, and, at the same time, to do an act of kindness and justice to the labouring man, by giving him a "settlement" after an industrial residence of five years, without any subsequent power of removal. He was far from charging the right hon. Baronet with intentionally deceiving the public; but the fact was, that the public had been misled by the language of the right hon. Baronet, and had expected a different measure from that which had recently been produced. The word "settlement" had been used throughout the speech of the right hon. Baronet; and the public had consequently expected that the measure would have been a measure giving an absolute settlement to the labourer after five years' residence. He did not say that the public had drawn a fair inference from the language of the right hon. Baronet; but they had put a meaning upon it different from the enactments of the measure before the House. The statement of the right hon. Baronet had promised a "settlement" to the labourer; but the Bill gave nothing but a right to irremoveability. It was, therefore, most desirable that the House should understand the exact nature of this measure and the real intentions of the Government; and that before the third reading of the Corn Bill a clear understanding should be had, and full inquiries entered into, with regard to it. He would not now enter into the right or wrong of the present proposal. He admitted that he himself approved of settlement derived from an industrial residence of five or even fewer years; but with regard to the present Bill the case was altogether different. A settlement was not given by it, and he could not approve of it as it stood. The Bill was set down for a second reading on Monday next; but he was of opinion that it could not attain to such a progress, and he, therefore, had a right to draw the attention of the House to the subject, in order that they might understand precisely what were the views of the Government with reference to the principle of the measure. If the House would agree to his Motion, and permit the appointment of a

Select Committee, he should in Committee at once propose that the Bill should be divided into two parts—one part confined to the important question of removal, and the other regulating the machinery by which the provisions of the Bill were to be carried into effect. To some of the clauses of the Bill he had no objection to urge; but to others he could not give his assent. For instance, some of the clauses gave additional powers to the Poor Law Commissioners. Those powers were already, to say the least, quite large enough, and he could not consent to their enlargement. With regard to the portions of the Bill which regulated its machinery, there was no cause for hurry. The details relating to that machinery would involve a considerable deal of discussion, and might well be postponed; but the principle of the Bill ought to be discussed: it was of the utmost importance, and could not be discussed too anxiously or too soon. But retaining that part of the Bill which included its important principle, they would, by a full inquiry and subsequent legislation of a more extensive nature, in fact be accomplishing the great advantage which was intended, namely, the benefit to the poor man himself, to the full extent of the original proposition of the right hon. Baronet. That principle, he conceived, was, that in consequence of a residence of a small number of years—five or three years—they should give a right of settlement, as well as a right to relief. Now this comprised the whole subject of the question, and would be rectifying a great omission of the present Poor Law. It was already granted by the Government, that the residence of five years should not only entitle the poor man to relief, but, in the event of any inducements being held out to him, so as to bribe him to go to a country district, that such offence should be visited by a penalty. He perfectly agreed with the right hon. Baronet, that it was a hardship in the extreme to induce any man who was suffering from misfortune and poverty to go to a county with which all connexion was lost, in which all his ties were broken, and with which he could have no relation whatever, or, in fact, any inducement to return there. The Government should make an alteration in the law of settlement, by which the promise of the right hon. Baronet would be fulfilled, and the expectations of the poor of the country not disappointed. He thought it was not wise or right, after, perhaps, a long residence in a manufacturing town, to induce any one to go into an agricultural district. He therefore hoped, that, after having obtained the benefit of the right to relief, they would not deprive the poor man of some sufficient right of settlement; for otherwise it was only, in fact, offering him an invitation, at the best, to reside in the workhouse. By the present measure the Government were holding out hopes to the poor man which they would not realize to his comforts. It was not enough to offer a man relief after five years' residence. He was entitled to a permanent settlement. If nothing but a bare right to the harshness and severity of the union-house were offered to the pauper after that residence, he would not desire to remain in the manufacturing town. He would become, as he now was liable to become, a burden upon the agricultural district which he had left in early life. As far as the Bill now upon the Table went, they were not adding to the poor man's comfort, but they were in reality increasing his troubles, by adding to his disappointments. For the reasons he had stated, he trusted that the Government would not refuse to grant this modification of the law of settlement, while at the same time they maintained all the benefits which they sought to obtain by their new Bill. He trusted that no Member in the House would consider this question to be a party one, or that he had brought it forward for the purpose of a political party. He believed he might say, that he might calculate on the support of the majority of those even on the Opposition side of the House. The Government had stated that they were anxious to consider the question of the settlement of the poor; and, he would ask, why had they not set about carrying out their desires? In many towns in this kingdom there was an anxiety—and he must admit that it was a justifiable anxiety—to have the question fully considered and settled. He believed that it would be much better settled by a Select Committee, than a Committee of the whole House. He was most anxious to learn from the Members of the Government why it was, that, having stated the principles which they had professed to entertain on the question, they had stopped short in carrying them into effect? And, why was it, that, having considered, as the right hon. Baronet said he did, in that most able statement to which he had before alluded, that the labourer had earned his right to a

settlement by a five years' residence, he hesitated to confer it upon him? If his right hon. Friends on the Treasury bench thought fit to carry out to its full extent the idea dimly shadowed forth in this Bill, they would be able to do so. If they added their 112 to the 242 of his Friends near him, they would be able to carry out the kind and excellent idea upon which it had been alleged the present Bill was founded. There were, too, many hon. Members on the other side of the House, who would, in such a cause, willingly support and join them. He wished also to know why, under a law, so shadowed forth, as it had been by its proposer, if an operative should go for a time to seek his bread in the agricultural districts, and subsequently returned, why the doors were to be shut against him in the manufacturing districts which he had left? They would tell the pauper then that he had no settlement, and that he had no right to return. They would tell him that he had no right to continue in the manufacturing towns in which he had spent the best part of his existence; but if he chose to go in to the agricultural districts in search of employment, he must take his chance; that he had, in fact, become a gambling speculator in his industry, and that he must now be content without any sort of relief, because he had had the rashness to go forth in the honest pursuit of employment for his labour. He returned, perhaps, after two or three months' absence; and after all his exertions to get employment in other places, the poor man would be compelled to say that he had come back to that place where he had worked all his life, and where only he had a claim for relief. But he would under the present law be rejected: his right to relief would be lost by his laudable desire to employ himself where employment was most likely to be found. Such was one objection he had to the Bill. and there were many others into which he would not enter. But if his suggestion were adopted, of dividing, in Committee, this Bill into two parts—one part relating to the machinery of the Bill, and the other to the substantial merits of the question of settlement—a report might be produced in a few days. It was for these reasons he would move for a Select Committee. A discussion for two or three days, at the most, would enable them to form a measure which would be more acceptable to the agricultural and other interests generally, than the measure which had been proposed by Her Majesty's Government. The hon. Gentleman concluded by moving for the appointment of a Select Committee.

Sir J. GRAHAM said, that he was sure that the House would condemn him, and he himself thought that he should be inexcusable, if he were led by the speech of the hon. Gentleman into a protracted debate on the question of the Poor Law, which would materially interfere with the important discussion they were now engaged in—namely, the debate on the Second Reading of the Corn Bill. He was most anxious to come to a clear understanding with respect to the law of removal. The speech of his right hon. Friend at the head of Her Majesty's Government on that subject, appeared to him to be most clear and intelligible, notwithstanding the impression it seemed to have produced on the mind of the hon. Gentleman. If he understood the points raised by the hon. Gentleman, they were two, both arising from a strange and forced construction put on two expressions which had fallen from his right hon. Friend. The first of these points was with regard to the law of settlement; and the second was that this measure was intended as an accompaniment to the Corn Law. With respect to the first, he must state, that if it were his lot to open this Removal Bill to the House according to his apprehension of the subject, the speech made by his right hon. Friend, and which was alluded to by the hon. Member (Mr. Bankes), was the most accurate description which could be given of the objects of the Bill that was on the Table of the House. Under the correction of the highest legal authorities of the House, he should state that it would be difficult, if not impossible, to deal with the law of removal without dealing with the law of settlement; because the law of removal was part and parcel of the law of settlement. It was on that account that his right hon. Friend stated his intention of dealing with the law of settlement. The principle of the measure, which it was intended to pass through the House, was, that after an industrial residence of five years, a man should be entitled, though chargeable, not to be removed. He thought that his right hon. Friend spoke from a memorandum still extant, which was a conclusive proof that there was no inaccuracy in his description. With reference to the next objection, this measure was never intended by Her Majesty's Government as part

of a compact to give compensation to those who might be aggrieved by the Corn Laws. It was announced to the House as a measure brought forward in connection with the landed interest, and it was a measure clearly conducive to the public good, and one which might stand by itself, perfectly independent of any other measure; and for his part, so far from regarding it as an accompanying measure, and a necessary adjunct, he, for one, was prepared to support it at all times, without reference to the Corn Bill, and was prepared to vote for the repeal of the Corn Laws, and in support of the Bill now before the House, even though it should be the pleasure of the Legislature to reject this Bill, or any other Bill which might be considered as an accompaniment. So far, with reference to the expressions referred to. The hon. Member had, he thought, declared that on the whole, he was favourable to this Bill, and wished to promote its progress; but he (Sir J. Graham) must say, that in all his experience he never heard of a more extraordinary Motion by one seeking to promote the progress of a Bill, than proposing that it should, before its second reading, be referred to a Select Committee. He understood the hon. Member to move for a Select Committee to inquire into the law of removal and settlement. [Mr. BANKES: For the purpose of framing another Bill.] He now understood the hon. Member. He had the Bill before him standing for a second reading on Monday next, and it contained most important provisions with reference to the law of removal, which, in the opinion of the hon. Gentleman the Member for Dorsetshire were conducive to the well-being of the working classes. [Mr. BANKES: To some of them.] Those provisions would not be injurious to any party, and would be more particularly beneficial to the landed interest, which the hon. Gentleman represented. This Bill stood for a second reading on Monday next; and instead of promoting its progress, and proposing that it should be read a second time without any opposition, and that the Bill should be committed on a certain day, the hon. Gentleman's proposition was to give the go-by to this Bill, and to send the whole subject before a Select Committee, taking his chance as to the result. Was there any one proposition that he contended for, or any one objection that might not be raised after the second reading of the Bill? The House was almost unanimous in reading the Bill a second time, because to the principle of the Bill there was no objection. If there were no objection to the principle of the Bill, it might be read a second time on Monday next, and stand for Committee on a future day: and on the Motion that the Speaker should leave the Chair for going into Committee, the whole question might be advantageously discussed. The first proposition of the hon. Member was to divide the Bill into two parts. He objected to that, because the object of the Bill was to deal with the whole law of removal and to consolidate it. It dealt with whole statutes, and parts of statutes, and would put the law of removal in a perfect state. This proposition, as it now stood, was not a new proposition. In 1844 he (Sir J. Graham) had the honour of proposing a similar proposition, but one which was coupled with another proposed alteration, which was, that parochial settlement should be broken down, and that union settlement should be substituted in its stead. That was objected to in the House; and he thought that, under the circumstances of the case, it would not be a fair proposition to give to industrial residence the right of irremoveability, unless coupled with the condition that union settlement should be substituted for parochial settlement. He did not press the Motion. He still adhered to the opinion, considering all the circumstances of the case, that the proposition now made, of clearly confining the principle of irremoveability to the heads of families, without conferring hereditary settlement, was a fair proposition. He was quite sure that it would afford great relief to the rural districts of this country, and would throw an additional burden on the town districts. At the present moment, considering the large and extensive measure now under discussion, he thought that the second reading of this measure should pass without any opposition; for, if this opportunity were lost, they would find great difficulties hereafter in arriving at such an arrangement. It was the opinion of the hon. Member that the House ought to consider whether irremoveability should be converted into settlement. He (Sir J. Graham) thought that, as the Bill now stood, there could not be a more equitable arrangement than that, which he had proposed; it would be open to the House to determine. The hon. Gentleman said that some difficulties would arise in trying to discover what constituted a residence of five years. [Mr. BANKES: That

is, if a man who should have removed after five years should have no right to come back.] That had been answered. This law was intended to extend to Scotland and to Ireland, and the reciprocity would be highly advantageous to both. He (Sir J. Graham) was prepared to stand by the propositions in the Bill upon the Table; but whenever the House went into Committee upon it, it would be perfectly competent to the hon. Member to open the whole question of irremoveability and settlement: he could then also argue that three years' residence was preferable to five, and might consider how far by temporary absence the pauper had forfeited his right. So far from hesitating whether he should support the Poor Removal Bill, he had formed a most decided opinion that it was equitable and humane, and that it would deserve the sanction of Parliament. Several of the alterations of the law were intended to be beneficent and kind to the poor. It had been most carefully prepared, with the assistance of the highest legal authorities, and he was quite satisfied that its machinery could not be much improved. The main question however was, whether the principle was worthy the adoption of the House; and the discussion of the details and the consideration whether they were susceptible of improvement would come afterwards. He was quite convinced that the subject did not require the intervention of a Committee. On those grounds he would oppose the Motion of his hon. Friend.

Mr. SPOONER would not enter, on the present occasion, into the merits of the question, but he pressed upon the House the necessity of an inquiry into this subject, and of such an inquiry as could not be obtained in a Committee of the whole House. As to the statement of his right hon. Friend, that this measure had not been promised as an accompaniment to the Corn Bill, the argument of his right hon. Friend himself had proved that that statement was erroneous; for his right hon. Friend had contended that the recent measures of the Government would prove so beneficial to the towns, that they would consent to the additional burden cast on them by the present measure. The language of the right hon. Baronet at the head of the Government had been clear and specific—that, though this Bill was not intended actually as a compensation to the agricultural interest, that it should accompany and would mitigate the injury of the Corn Bill. His hon. Friend had never meant to say that the right hon. Baronet intended to announce this measure as a measure giving an absolute settlement after five years' residence. All his hon. Friend had said was, that the language of the right hon. Baronet, whether rightly or wrongly construed, had led to such impression, and that the poor of England would now be grievously disappointed if the right of irremoveability conferred by this Bill were not changed to a positive settlement in the town of residence. There was no chance of a Committee on the Bill before Easter; so that the effect of acceding to the Motion would be, in fact, to expedite the Bill, as it would come from the proposed Committee in a shape less objectionable than it was at present. The House was not at all aware of the extent of the injury which the measure would inflict upon the large towns, if carried in its present form. If it was limited in its operation to the industrial poor, so that they alone would be benefited by it, it would be unobjectionable, or at least sound in principle; but it was not so confined in its operation, which would extend to all the inhabitants of large towns—those who flocked thither for shelter, and for the sake of facilities in carrying on their pursuits, often nefarious; for there was no definition of residence requisite to acquire the privileges conferred by the Bill, and the mere occupier of a room might avail himself of them. It might be said, that proper regulations could be framed to remedy these practical evils; but they could not be framed in a Committee of the whole House; and the subject could only be effectively treated in a Select Committee, which should investigate it carefully, and call before it persons practically experienced in the operation of the settlement system. This was not, however, merely a question between town and country—difficult as that was to adjust; it was not less a question concerning the welfare of the poor man. Take the case of a labourer going from one of the agricultural districts to a town during some temporary season either of agricultural depression or of manufacturing prosperity: and suppose such a man suddenly incapacitated from working through sickness, or from some cause deprived of employment, he would naturally be desirous of revisiting the neighbourhood where he had left friends who could sympathize with and assist him; yet he might not be able to procure the requisite funds for his removal,

and according to the proposed measure it really appeared the poor man could not, under such circumstances, even with his own consent, be removed at parochial expense. Such were among the practical difficulties and differences of the measure, which could not be efficiently discussed and decided on in a Committee of the whole House.

Sir R. PEEL: I rejoice to hear from my hon. Friend who spoke last, that he did not misunderstand the nature of the proposition I made to the House on the part of Her Majesty's Government. My hon. Friend, from his long and intimate connection with a large town, is a good judge on the subject of the law of settlement, and he distinctly tells us that he had no doubt about it; what was meant was to give a right of irremoveability, but it was never meant to confer a right of settlement. How can any man who reads the expressions I employed have a doubt upon the point? I used the word "irremoveability" as applied to the man, his wife, and children; and no terms, as it seems to me, could more clearly express what was the intention of Government. But for the removal of all possibility of doubt, I remember I was questioned as to whether it was intended by law to give, or not to give, a right of settlement; and my answer expressly was, "irremoveability, but not settlement." I did say that it was not to be looked upon as a measure of compensation; that it was proposed on its own account; that it was a positive good of itself; a benefit to the landed interest and a benefit to the poor: so that it had moral and social as well as other advantages. When I was asked whether we were attached to this measure as to the others, we said that we were, and that we considered ourselves pledged upon it. I said so then, and I now say that I feel under a positive obligation to do every thing I can in order to insure to the agricultural interest that advantage, and independently of that interest to insure to the poor that protection which I am of opinion they ought to have. At the same time, I cannot consent to let the discussion of the Poor Removal Bill interfere with the decision of the House on the Corn Bill; but I say again, that I feel a positive obligation, by every exertion in my power, to ensure the passing of the Poor Removal Bill. My hon. Friend tells the House fairly that he did not misunderstand me; he entertains no doubt, but he seems to think that an inquiry before a Committee is necessary, in order to clear up doubts elsewhere. My hon. Friend who moved for the Committee is decidedly in favour of giving the right of settlement; but the seconder of his proposition is as decidedly opposed to it. The hon. Mover tells us that doubt exists in the country, and he proposes to solve that doubt by the appointment of a Select Committee, to take into consideration the laws relating to the settlement of the poor. I contend, that if you want to create doubts and to unsettle people's minds, you will appoint this Committee. On the other hand, if you take the usual course—if you debate the Bill on its second reading—if you next consider its details in a Committee, you will adopt the best way of removing any doubts that may exist. When my hon. Friend tells us that in large towns doubts exist, and that he wishes to remove them, I should have thought that the last method he would have taken to remove them would have been to appoint a Select Committee. As to the Poor Removal Bill, I can give no stronger pledge than that I consider it part of the general arrangement of this great subject, and that I will do my best to secure to the landed interest their equivalent advantage; I trust, therefore, that the House will allow the measure to proceed in the usual course, and after the second reading we can consider what it is fit to do in the Committee.

Mr. COLQUHOUN hoped, after what had been said by the right hon. Baronet, that his hon. Friend the Member for Dorset would withdraw his Motion.

Mr. BANKES observed, that the course he would take on the present occasion would very much depend on the course which Her Majesty's Ministers had resolved to pursue with respect to the period at which this question was to be discussed. He should be glad if the Government would fix a day for the discussion. It had been stated by the right hon. Baronet the Secretary of State for the Home Department, that the Bill having reference to this question stood for second reading on Monday next; but in the present state of public business, it was altogether out of the question to suppose, that it could indeed come on for discussion then. He begged leave to ask the right hon. Baronet at the head of the Government to fix the day definitely on which the discussion should take place.

Sir ROBERT PEEL observed, that the House must perceive that it was wholly out

of his power to comply with this request. How many days had already been consumed by the Corn Law debate? It was impossible to predict with anything like accuracy the exact period during which a measure at present under discussion might occupy the attention of the House; and this being the fact, it was, of course, more difficult still to name a precise day on which to take up another subject. The Bill just now under discussion, and the Bill which had come down from the Lords for the better preservation of life and property in Ireland, were measures of such primary importance that all others must yield to them. But he could assure the hon. Member for Dorsetshire, that nothing could be more remote from his intention than a desire to throw the slightest impediment in the way of the Poor Removal Bill. On the contrary, he would leave nothing undone that was at all practicable to expedite the measure as much as possible, though it was quite true he could not consent to give it precedence over the two other measures to which he had alluded. The Bill was marked down for a second reading on Monday next; and if the House should approve the principle of the measure by giving it the proposed reading, all the details could be amply discussed in Committee. He did not think it likely that the measure would have to encounter much opposition, as the feeling of the House appeared to be in its favour.

Motion withdrawn.

CUSTOMS AND CORN IMPORTATION REPORT.

On the Order of the Day for renewing the Adjourned Debate on the Corn Importation Bill having been read,

MR. FINCH said, the right hon. Gentleman the Member for Portsmouth (Mr. Baring) had the other night displayed an extraordinary degree of curiosity, and had proposed a long series of questions as to the principles, and policy, and probable measures of the protectionist party in the event of their becoming possessed of power. Now, it was hardly fair to put such questions to a party so long as they remained in opposition. But if the right hon. Baronet at the head of the Government would give a correct account of the course he intended to pursue during the current Session, very likely the protectionist party would be prepared to describe their intentions. As to the principles of the party, they were the good old English principles of protection, under which this country had so long flourished, and attained to a height of prosperity beyond that of any other country. As to the measures they might propose, he could venture to declare that if they should become invested with power, they would propose such measures as would be best fitted in their judgment to afford an adequate and equitable protection to the agricultural, the manufacturing, the trading, and the colonial interests of the Empire. He hoped, after this explanation, that the thirst for information displayed by the right hon. Gentleman would be somewhat allayed. With respect to the reference which had been made to the difference between the sliding-scale and the fixed duty, he thought that difference comparatively insignificant in this point of view—that the sliding-scale, when the price of corn reached a certain height, fell to a nominal duty; and a fixed duty, when corn rose to that extent, must equally yield to the pressure of price. The right hon. Baronet had deprecated a "collision" between the two Houses upon the measure; but what right had the Minister to predict any such collision as the consequence of the rejection of the measure by the Upper House? He had always understood that, in a constitutional point of view, the privileges of the Lords were as inviolate as those of the Commons—that the Upper House had its prerogatives in legislation, as well as the Lower—and that, if the Lords in their wisdom thought proper to reject a measure, the Commons had no right to impeach that exercise of the legislative power of the Lords. And if the Upper House should think the measure was calculated to do great mischief; that the country had been somewhat taken by surprise respecting it; that the public were acting under a temporary excitement about it; and that an interval of reflection should be allowed; and that on a matter of such magnitude the people should be appealed to—nothing could be more constitutional than such a course—nothing ought to be more popular—nothing, certainly could be more right or just. It would be perfectly in accordance with the spirit of the Constitution to reject the measure; for it introduced more sweeping changes in the Constitution of the country than had ever yet been projected by any Administration, It would produce, in fact, a fivefold revolution. It would effect a social revolution; for, however a Settlement Bill of some sort might accompany the measure, it could

not be denied that the principle of a Poor Law was utterly at variance with the principles of free trade. This was apparent in the works of writers of the Malthus school, and of political economists generally. Then the measure would equally tend to a commercial revolution, especially in respect to our Colonies, protection of which had hitherto been the chain that connected their interest and feeling with the mother country, but which were now to be regarded as encumbrances, and of course prompted to consider with what other nation they might be better off. Nor was the measure less a financial revolution, as it would shift the burdens of the State in a most unjust manner. And further, the measure would produce a twofold political revolution. For upwards of a thousand years—from the days of the Saxons—the landed interest had been paramount in the political system; and it was now proposed to transfer the pre-eminence to the manufacturing and monied interests, and mainly to that youngest born among them, the interest of cotton. The measure would tend to augment that democratic power which was daily giving more and more of a republican aspect and character to our monarchical Constitution. If the Upper House, then, perceiving these pernicious tendencies of the measure—perceiving that it must tend to produce discontent and dissension between different interests in the Empire—to separate Ireland from England, and Britain from her Colonies—if the Upper House, apprehensive of these evil effects of the measure, were to reject it, they would act in perfect accordance with their constitutional powers and privileges, and would leave to the nation itself the responsibility of a measure so serious. The right hon. Baronet had spoken also of a "collision" between the agricultural and manufacturing interests in the event of the rejection of the measure. This, however, was only another of those feverish dreams in which the right hon. Baronet indulged. Why should the manufacturing interests feel at all incensed at the agriculturists for asserting the prerogatives of Englishmen, and for exercising the inalienable right of self-defence? If the manufacturing or mercantile interest were to be injured or assailed, would they be tame and inactive? Which of the various classes in or out of the House would be averse to a dissolution? As to the Liberal Members of the House, they must be eager to present themselves for a renewal of the trust reposed in them by their constituents. As to those who were in favour of annual or triennial elections, they must be wearied of so long a Parliament. As to the Anti-Corn-Law Members, they surely would be happy to realize all their predictions as to the numbers of seats they were prepared to carry. While, as to the protectionist Members, they certainly were so far steeped in ignorance and delusion that they would be willing to venture on the contest, and to appeal to the country. He thought that the right hon. Baronet at the head of the Government had a far greater responsibility upon his shoulders than ever rested upon the shoulders of any Minister; but if he consulted his own interest, he would desire to devolve some portion of that responsibility upon the people. At what number should he rate the landowners of England and Wales? Some would say some hundred aristocrats, and some thousand country gentlemen. He rated them at two hundred thousand. He believed that the tenant-farmers of Great Britain had been estimated at one hundred thousand; but with their families he thought he might state their number to be upwards of a million of souls. One third at least of the population of this country depended upon agriculture; and if they went to the sister country, it would be found that three-fourths of that population likewise depended agriculture. He thought that if the result of the right hon. Baronet's measure was only to diminish the capital invested in land 20*s.* per cent, it would be the destruction of the landed interest. He did say, therefore, under all the circumstances, and considering the immense value of the interest which was in jeopardy by this measure, that the right hon. Baronet would have consulted his own interest, and relieved himself of great responsibility, if he had put that responsibility upon the nation at large. He was ready to admit that the right hon. Gentleman had at various times concocted measures fraught with great public good. He might refer to the reformation of our Criminal Code; but when he entered the Bullion Committee, he entered with one opinion, and left with another. With respect to the Corn Laws and free trade, it was well known that for many years the right hon. Gentleman had defended protection, and supported the Corn Laws; but the right hon. Gentleman was now of a different opinion than that he entertained five years ago. If the right hon. Baronet was invariably right

then, he must be invariably wrong now. There was no doubt that he was a person of very extraordinary talents and transcendent eloquence; but still he was a mortal like every other man, and, therefore, subject to human vicissitudes. He thought that orators, no more than authors, were the best judges of their own performances. Milton, it was known, preferred "Paradise Regained" to "Paradise Lost." He believed that upon a calm review of the right hon. Gentleman's former speeches, which were public property, upon the subject of the Corn Laws, they would be found to contain much greater wisdom and foresight than those now delivered with free-trade enthusiasm within the walls of that House. The noble Lord the Member for London had agreed to the introduction of this measure, although he before admitted that it would create distress among those connected with the landed interest. What would the manufacturers of the country think when, in assisting in the passing of measures, they incurred the risk of involving the manufacturing interest? This remark would apply equally to the agriculturists. He did think that the Gentlemen constituting the protectionist party were not to be accused of unjustifiable apprehension if they entertained fears as to the result of the Bill before the House. He found by the Returns that had been made to the House, that for three years, from 1842 to 1845, the total quantity of corn imported was 3,400,000 quarters; but supposing the quantity imported during that period to have been 9,000,000, he should have no hesitation in saying, that the greatest distress would have been brought upon the country. He thought that as the present measure was calculated to lower prices in a great degree, so it would operate to the great discouragement of the British agriculturist. It would throw great quantities of land out of employment, and would render it impossible almost for the Government to raise the taxes: it would also peril the existence of the Government, and even the Constitution itself. It was detrimental and injurious both to the agriculturists and the manufacturers of the country. He thought it was sufficiently evident from what had occurred, that the agricultural party ought not to be charged with bigotry and ignorance. He begged hon. Gentlemen to recollect, that for twenty years the Administration was composed of parties, all advocating the principle of protection. Now, he did not believe it would be said that the country had been under the direction of bigots for twenty years. If the Anti-Corn-Law League were to direct their shafts against successive Administrations, the late Earl Grey and Mr. Canning being Members of them, the League would be regarded much as the Lilliputians were, when they discharged their arrows against Gulliver. That body was so absurd as almost to turn the deepest tragedy into the broadest farce. Upon looking abroad, it would be found that the principle of protection was maintained by the Ministers of Russia, the Ministers of Prussia, the Ministers of most of the minor States of Germany, the Ministers and Parliament of Holland, the Ministers and Parliament of Belgium, the Ministers and Parliament of France, and most of the distinguished statesmen and Congress of America. Nor could it be affirmed that the principle of protection had impeded the progress of national improvement. The Anti-Corn-Law Leaguers had proved themselves shallow reasoners. Let the agricultural Members drink deep of the Pierian spring, remembering that—

> "Shallow drinks intoxicate the brain—
> But drinking deep will sober us again."

He supposed his arguments had been so convincing that they had driven the enemy entirely out of the field, and dismounted all their brass guns. [The benches of the hon. Member's opponents were empty.] He was glad to see that one hon. Gentleman, who had for some time maintained his post, finding the fire too hot for him, had at length put himself under the flag of protection. After this, he should not be at all surprised at gaining the day in the end. He thought that every country ought to have a system of political economy of its own. The system adopted in Persia might not be adapted to China, and that adapted for Holland might not be suitable for France. It was in consequence of a misunderstanding upon this head, that there had been such egregious mistakes among the free traders upon the subject of taxation. A hope was expressed in a free-trade article in the *Westminster Review*, that the entire abolition of the Excise would be the next step of Sir R. Peel's financial reforms. Thus it was easy to see that the next agitation would be for the abolition of the Excise. He would venture to predict that if, in some future Session of Parliament, this Corn Law should unfortunately pass, the next subject of agitation would be for financial reform, for the abolition

of the Excise, and no inconsiderable part of the Customs. He did not despair, however, of seeing the right hon. Baronet taking shelter at some future period in the ranks of the protectionists, and calling upon them to aid him in his Budget. He should proceed with his observations, notwithstanding the way in which the House of Commons treated this great question. He knew there was a desire to extinguish the debate. Hon. Members talked as if this question were finished—as if the subject were exhausted, and no longer worthy the attention of the House. This he thought was most discreditable to the House and to the country, and he was resolved he would let the country see the way in which the House treated this great question. The interests of agriculture were at stake—the interests of a body the most loyal and constitutional—who had ever been the warmest friends of the Altar and the Throne; and yet there was not a single Member of the Opposition party in the House. They would not pay the agricultural interest the compliment of attending to the debate they wished extinguished. But he could tell them the measure would not pass a day the sooner for that. The agriculturists had laid down their course—they would pursue it steadily and perseveringly, and it would make no difference to them whatever. If they considered that it would be for the advantage of agriculture and of the country that this measure should be still farther delayed, there were many Members on this side of the House who, even if there were nobody present but themselves, would speak for hours together, rather than that such a miserable manœuvre should succeed; therefore he should continue. Another point on which the free traders displayed almost infantine simplicity was, that this measure would lead to universal peace. Now, any one acquainted with history, however he might admire the amiability of these people, must pity their ignorance. He asked if there ever was a period in the history of the world which held out a hope that war might be extinguished by free trade? In all the wars of the last two hundred years, from those of Louis XIV. down to Bonaparte, it was impossible to put the finger on one of them which they could suppose might have been prevented or extinguished by measures of free trade. It might be true that the little cloud in the West might now be in course of being dispelled, for America knew that she would eventually obtain the lion's share of Oregon; and on this subject he must say, that the tone of our Minister for Foreign Affairs in the other House lately was what a poet called "a quaver of consternation." So mean-spirited a speech he had never before listened to. England might now be said to be on her knees before America. But, however, as England and France might now be said to be united, and our finances were in as flourishing a condition as they possibly could be, considering that the Minister was dispersing them with so lavish a hand, the probability was, that America would remain at peace with us for the present; but, so soon as insurrection arose, or our finances were troubled, or we went to war with France, then America would revive her pretensions, and commercial and free-trade considerations would have as little weight with her as they ever had in any other country. And, seeing the evil effects of free trade, what was there on the other side? A system of protection, under which he believed the nation would rise to a degree of prosperity such as he had never before witnessed. He said the system of protection had never been fairly carried out. It ought to begin, as the basis of all protection, by protecting the poor. He would have a rate of wages established for the agricultural poor. When corn was from 47*s.* to 50*s.* a quarter, the labourer should have 10*s.* a week; from 50*s.* to 55*s.*, 11*s.* per week; from 55*s.* to 60*s.*, 12*s.* per week; in fact, he would have a sliding-scale for the labourers, varying from 10*s.* to 12*s.* per week, and let the condition of protection to profits be protection to the labourer. In going into the manufacturing districts, it would not be possible, perhaps, to interfere with the rate of wages, but they might interfere with the hours of labour. The hon. Member for Oldham and others were altogether inconsistent in advocating free trade along with an interference with the hours of labour; but such an interference would be quite in unison with the system of protection. He would protect manufacturers both at home and in the Colonies; and, as the price of that protection, he would have the poor provided for. Children of a tender age should not be allowed to work at all; children of a more mature age should not be overworked; while grown men should not be required to work beyond a certain time; in fact, he would take care that under the name of freedom they should not have a real and *bonâ fide* slavery. Then he would have

another kind of protection—a protection against sudden and unforeseen calamities; such as the introduction of new machinery, or war. In all cases of new machinery he thought the State ought to interfere. The public enjoyed the benefit of the change; therefore let the public pay the cost. Then with regard to war: there ought to be taxation imposed to go to the relief of the poor who suffered by it. That, then, would be the base of his system of protection. The next thing would be to carry on under this system a course of national improvement. The resources of this country were altogether incalculable. Mr. M'Culloch estimated that the produce of the soil might be doubled; he thought that was an over estimate; but he did think that one-third might be added to the produce of the soil. If that were so, the result would be, that the soil of this country would maintain forty millions of inhabitants. Then, with regard to the Colonies, he might mention that Upper Canada possessed some of the finest corn-growing soil in the world. Three millions of quarters might be expected gradually to come from that Colony, which would support four millions more in this country. Then, from the various soils and climates from different Colonies, we could have sugar, tobacco, coffee, almost every thing we wanted except tea. Colonial produce would have a monopoly in England, and English produce would have a monopoly in the Colonies; and this country would become the strongest, the most populous, and the most united Empire in the world; and being always prepared for war, she would be always able to command peace. Now, reverse the picture, and what were they doing? They were souring the minds of that portion of the community which had hitherto been most disposed to uphold the Altar and the Throne; they were spreading the spirit of insurrection in Ireland; they were alienating the affections of the Colonies. Let them not suppose that these were the gloomy forebodings of a discontented country Gentleman. There were three parties in the country; all of them shrewd, wise, and intelligent, and all of them bent on supporting this measure; not because it was a good measure, but because, being a bad measure, it would the more readily further their own ends. There was the Liberal party, who were anxious to have a more democratic spirit infused into the institutions of this country; and they supported the measure because in the discontent and dissatisfaction they foresaw it would occasion, they looked forward to great organic changes in their favour. Then, there was the party opposed to the Church Establishment in this country. They supported the measure for the same reason; and because they knew, as it had been lately proved by a nobleman, democracy and an Established Church could not exist. Then, there was the party of the Repealers, who supported this question because they believed it was calculated to lead to discontent and disaffection both in England and Ireland; and in that discontented state of the country they hoped to be able to carry Repeal. For these reasons he objected to the Bill. The more he reflected on it, the more he thought it was the most pernicious measure that ever was presented to the British Parliament. He could not conceive how a Minister, with the smallest reputation for sagacity and foresight, could propose this measure. He trusted that the protectionists would persevere in their opposition. They did not despair; on the contrary, their hearts beat high with hope. He trusted that the protectionists out of the House would use tenfold exertions for the defeat of this measure. It was their duty to rally round the flag of protection; and to place it in the breach. If the agriculturists triumphed, it would be a national triumph; and if they failed, they would fail as honest men ought, in the path of duty and of honour.

LORD RENDLESHAM said, opposed as he was to this measure, he was still more opposed to the way in which the right hon. Baronet had forced on the measure without making an appeal to the country. Such a radical change as this could only be sanctioned by a dissolution of the House; and, after the admission of the noble Lord the Member for London, the other night, that if he had accepted office, though he should have obtained the support of the right hon. Baronet, he still could not have carried this measure, constituted as the House was—after that admission, he thought the country had a right to say that, notwithstanding the majority of 97, this measure would be passed contrary to the opinion of the constituencies, that the question was decided, not upon its merits or its demerits, but because some 100 men thought that nobody could govern this country except the right hon. Baronet, and because some other 101 men changed their minds along with the noble Lord the Member for London, who saw no other chance of regaining power except by professing to advocate a

total repeal of the Corn Laws. It would of course be folly to say that a man ought never to change his opinions; but when a public man did change, he thought the country had a right to have a clearly detailed account of the manner in which the change had been brought about. He decidedly thought that the country had a right to expect that the question put by the noble Lord the Member for Lynn should be answered, namely, what the right hon. Baronet expected would be the average price of corn under his new Bill. And, besides this, he thought the country had a right not only to hear the reasons which had induced hon. Gentlemen to change their opinions, but also to hear all those able and forcible arguments which they used only a short time ago now refuted by them. The noble Lord read a letter, written by Mr. Huskisson to his constituents in 1814, in which he advocated the Corn Laws as a means of always maintaining a supply of food in the country; and, like Mr. Huskisson, he declared that he did not care how cheap corn was provided the cheapness arose from an abundance of the home supply. He could assure the House that if he had an opinion that the measure now before the House would only affect the landlord, he should feel better satisfied, but by its operation the poor would suffer. Of that he was quite certain. Much had been said both within and without the walls of that House upon the amount of wages paid to the agricultural labourer. Fluctuations happened in all counties as a matter of course; but he knew the price paid to working men in the county from which he came (Suffolk) and he could quote them. In that county, the price of labour was regulated by the price of corn. When, in 1840, he inherited the estates he now held in Suffolk, the price of flour being 3*s.* per stone, the wages of the labourers were 12*s.* per week; and when the price of flour fell to 2*s.* 6*d.* per stone, the wages fell to 11*s.* When corn declined further, the rate of remuneration to the labourer fell to 8*s.* per week. It would also be seen that the lower the price of corn, the smaller would be the surplus of wages left for the labourer after purchasing the necessaries of life. The higher the price of corn, the more labourers would be employed on a farm. Now, it was quite evident, that if the present measure passed, much of the light lands of this kingdom must inevitably go out of cultivation. Certainly this would be the case in Suffolk. On this very point he had taken the opinion of a practical farmer in his district, who had told him that when he took the farms he held, forty years ago, the price of corn was higher, and he had been able to bring a larger average of light land into cultivation. Since good prices had declined, the land had not of itself paid for tillage. The cultivation of this land, had, however, answered his purpose, inasmuch as it had enabled him to employ a large number of labourers, men, women, and children, who would otherwise have been paupers. The firm opinion of that farmer, however, was this—that if the present measure became the law of the country, this breadth of light land must be thrown out of culture entirely, and that he should not be able to employ one-half the labourers he had done. The hon. Member for Stockport had made the observation that the opinion of the tenant-farmers, if taken, would be found in favour of the propositions of Her Majesty's Government; but he could refer the hon. Gentleman to a meeting of tenant-farmers, where the whole body had said, that in order to secure the proper representation of their own opinions in the House, they would, at the next election, place one of themselves in the position of a candidate for their suffrages.

Mr. FELLOWES wished to prove to the people of this country, there still existed a large proportion of that once unanimous and united Conservative body, governed by political principle, and ready to watch with care and assiduity over the interests of those whose prosperity, and, indeed, he might say, existence, was mainly dependent upon that law which gave protection to native industry. When he last received the votes of the constituency he had the honour to represent, he was returned on the underetanding that he was faithful to the system of protection. He held the opinion then, that on protection to native industry depended the prosperity of this nation. His opinions were still unchanged, nor should he ever change them. Had his opinions altered, he should have thought it his duty to have resigned his charge into the hands of those who entrusted him with their votes. To have retained his position with a change of opinion, would have been highly dishonourable, and he should have deserved much reprehension. He had observed that the hon. Member for Hull had, a few days since, made allusion to a speech delivered by another hon. Member, upon the auspices under which that gigantic work the Bedford Level had been con-

structed. He should have replied to the observations of the hon. Member for Hull, had he had the good fortune to catch the eye of the Speaker; and he was rather surprised that no other Member had risen to do that which he intended to do. Though the fact had been denied, yet the great work to which the hon. Member had alluded, had been constructed during the period of protection. Further than deny the inference drawn that the Bedford Level had been constructed at a period when protection had not existed in the country, he would not refer to ancient dates, but confine himself to a period of thirty years; and he could assure the right hon. Baronet, within that period, land, which had only grown reeds and rushes, now grew corn; land, which a few years since, had grown three quarters of wheat only, now, under protection, grew six or seven quarters. If this protective law were removed, the land in the district to which he had referred, from the expense of draining, must inevitably be thrown out of cultivation. In 1842, the right hon. Baronet had brought in his measures for the reduction of duties, and he had said the prices of corn would range between 48*s*. and 54*s*. per quarter: generally, prices would be steady. He would ask the right hon. Baronet if the expectations on this steadiness of price had been realized. He believed corn had risen above 54*s*. In the course of last year corn had gone down to 45*s*. The cry of famine had been raised by the Members of the League, and prices had reached 58*s*. All this had happened under this law of protection. But the right hon. Baronet at the head of the Government had said, that as a famine existed in Ireland, the measures proposed were highly necessary. Was not, however, the failure of the potato crop a tempory difficulty, and that being the case, should not that be met by a temporary remedy? Why, under the circumstance of a temporary difficulty, should a measure likely to create almost a revolution, be permanently introduced? The right hon. Baronet had said that a famine would rage in Ireland before the month of May were past. He did not despair that the month of July would go over the country before the long apprehended famine would be found desolating the sister kingdom. Of what use would it be to send corn to Ireland, when the people had no money to purchase provisions? He protested most sincerely against bringing forward a measure of this character for the purpose of relieving a temporary circumstance. The measure, however unnecessary, was stated as likely to pass, and that being the case, he wished to know, if corn under its operation would range high or low. The Government had means of obtaining information not possessed by private Members of that House, and, therefore, the Gentlemen who occupied the Treasury benches could surely tell the country whether the price of corn would be down to 40*s*. or up to 60*s*. The Vice President of the Board of Trade had stated the prices of grain in this country would not decline to a low figure, and that foreign corn would rise, and also that the operation of the change would not injure the owners of tithe. If corn was not to be lower, of what use would be the change, and what reason existed for the measure? He, however, was fully of opinion that the operation of the law would create considerable alteration; and the effect would be, that the price of corn would be brought down to 40*s*.; and also that wide fluctuations in price would be the consequence. Who could benefit by fluctuations? Would it not be preferable if prices were to range between 40*s*. and 60*s*. that an average should be struck of 50*s*., and the price kept up to that point? In opposition to the opinion that corn would rise or maintain present prices, he might quote the effect to be produced on silk. The new law was to reduce prices in the article. Why should the effect prove contrary when the operation of the new law was applied to grain? Besides, it could be shown that previous to 1842, the price of 60*s*. per quarter was thought a remunerating figure for corn. In 1842, the right hon. Baronet reduced the law of protection on various articles, and the price of corn went down. If, then, the price of corn fell by the change of protective laws on other articles, would it not fall when the laws affecting grain were altered? He thought no doubt could exist on the point. The members of the Anti-Corn-Law League said, that under the circumstances of a change, it would be the duty of agriculturists to render the land more productive. The advice might be good, could it be followed; but the tillers of soil could not increase production by the use of machinery, and the over application of manure would create straw merely, and not ears of wheat. He did not despair but that, in the course of years, the agriculturists themselves would be able to reduce the price of corn, but they required time; and until that

time were given them, though the large farmer and capitalist might stand up manfully against the measure, the small farmer would be ruined, and the labourer starved. The hon. Member for Portsmouth had asked, if the agriculturists threw out the intended measure, were they prepared with another? In answer to that, he would say, that the agricultural body were content to remain where they stood. The hon. Member also asked, if the agriculturists were prepared to take the responsibility of defeating the measure? He was quite ready to take the responsibility of the rejection of the measure if this happened; and if any confusion were created in the country, let the Government take the responsibility on themselves, for on them would it naturally fall. He was quite ready to give the right hon. Baronet at the head of the Government credit for the motives which had influenced him; but did he think that by throwing the country into a state of alarm, any good would be produced? Would good result by setting one constituency against another constituency, or the manufacturing against the agricultural interest? He feared it would be seen that when men uttered sentiments one day which they repudiated the next, it would be found that the agricultural body would be betrayed into the hands of their opponents. The right hon. Baronet at the head of the Government might say he looked to posterity for his reward; and the right hon. Baronet the Secretary of State for the Home Department might answer all inquiries after his former opinions, by replying, he had changed his mind. This might satisfy those right hon. Gentlemen, but it would not satisfy the country. If an appeal to the country took place—the answer to that appeal would be this—that the Government must be conducted on principle, and that the people themselves would rather, if such changes were made as now proposed, prefer to receive them at the hands of the noble Lord the Member for London, than from those men who had deceived them. Before many months passed he believed the people of this nation would have an opportunity of exercising the elective franchise, when it would be proved that the constituencies preferred a Radical Government, kept in check by a strong Conservative body, rather than continue to support the right hon. Baronet and his friends. For himself, he did not expect good measures to emanate from the present Government. He should greatly distrust any measure proposed by the Treasury bench; and it would be seen that the people were willing to dispense with their services.

Mr. FULLER had received a short letter which he would read to the House, from a person living at Anglesey:—

> "With regard to corn the matter is very serious, and the dismay very general, without any one being able to see any cause whatever for such a sweeping change. Trusting to a Protection Minister, a vast number of our best farmers have sunk all their capital in draining, but now there is a complete check to it. For twenty men you saw draining this time last year, you will not now see two. It must be recollected, that in our country all draining and other improvements are done by the tenant; so you may imagine what a stop has been put to the progress of improvement. As to famine, there never was such humbug! No living man ever saw so much corn in Anglesey at this season as there is now; and two vessels laden with potatoes arrived at Carnarvon this week from Ireland. Pray tell Sir James Graham this."

He could only say for himself, that if the proposed measure passed, this country would be reduced to the condition of Ireland, where no protection existed either for life or property.

Mr. P. BORTHWICK: Knowing the congregated intelligence arrayed on the other side of the House, he was glad to perceive the hon. Member for Lambeth in his place, who, he thought, was almost the only Member who had stood firmly to his guns. ["No, no!"] He had no suspicion that the hon. Member for Lambeth had run from his guns. He had held the opinion, that the hon. Gentleman was one to whom might be applied the words of the poet—

> "Among the faithless, faithful only he."

But he (Mr. Borthwick) was glad to find the Member for Lambeth in his place, because when the hon. Member had, on a previous night, given some statistical details to the House, he (Mr. Borthwick) had intended to reply to them, though not able to do so because he had not caught the eye of the Speaker. He would now, however, endeavour to answer the statement of the hon. Member for Lambeth. The hon. Member, referring to several years of the last century, had endeavoured to show a remarkable equality of prices in these years, and he had said that the effect of a free trade in corn would be to remove a fluctuation in prices. ["No, no!"] He certainly had so understood the hon. Member. Here were the words spoken by the hon. Member for Lambeth, which he had

taken from the usual sources of intelligence:—

"But the period to which he more particularly referred was from 1787 to 1792. The price of corn during these years was 42*s.* 8*d.*, 37*s.*, 36*s.*, 44*s.*, 45*s.*, and 54*s.*; the lowest price being 41*s.*, 34*s.*, 36*s.*, 42*s.*, and 47*s.*; and the greatest difference between the highest and lowest prices was 7*s.*, and of the lowest 2*s.* 5*d.* Now, he defied anybody to show, in any five years, under a restrictive trade, that the variation was so small as that."

The object of the hon. Member was, to show that less fluctuation of price took place under free trade than under protection. He did not know from what source the hon. Gentleman had obtained his information; but he had appeared resolved that these last years should be considered those of free trade. But in those years free trade neither theoretically nor practically existed. But, from the year 1787 to the year 1792, the following were the amounts of the bounties paid upon corn exported, and the Customs' duties received upon corn imported:—

Years.	Bounties paid upon corn exported.			Duties paid upon corn imported.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
1787	55,882	17	5	5,061	12	2
1788	44,206	1	11	5,344	3	4
1789	76,551	16	1	4,814	3	7
1790	10,173	15	2	10,856	17	3
1791	7,657	0	0	27,511	0	0
1792	76,802	0	0	39,543	0	0

During these years, then, the quantities of wheat exported and imported varied from 47,000 to 357,000 quarters. Now, the hon. Gentleman, with that philosophy which was so abundant on the other side of the House, had deliberately told them that there had been practical free trade from 1787 to 1792, and yet neither was there theoretical nor practical free trade during that period; for he (Mr. Borthwick) had shown that there was both an import and an export duty, besides a bounty on exports. He said this, he could assure the hon. Gentleman, with every feeling of respect for him, because he knew that there were few Members of that House to whom the country was more indebted for information on subjects of this sort; but he certainly had thought he had meant to quote the five years which followed those to which he had referred; and if he had done so, he would have been much more able to have shown the effects of practical free trade in this country; for in 1797, and the five following years inclusive, they had an absolute free trade in corn: and further than this, they had a bounty paid on corn imported; a thing, he believed, unexampled till then in the commercial history of this country. He would now quote from M'Pherson's "Annals of Commerce." That writer observes:—

"It was found necessary to hold out greater encouragement for the importation of corn and other articles of provision, than merely exempting them from duty, as by the Act passed in the beginning of this Session. Therefore, the following bounties were granted on wheat, wheat flour, Indian corn, Indian meal, and rye, imported either in British vessels or in vessels belonging to any friendly State, viz.:—

For every quarter of wheat weighing 440 lbs. avoirdupois £1 0 0
For every quarter of wheat weighing 424 lbs. avoirdupois 0 16 0
For every cwt. of wheat flour 0 6 0

That is, when imported from any part of Europe south of Cape Finisterre, the Mediteranean, Africa, the British Colonies in America, the United States, till 400,000 quarters should be imported from Europe or Africa, and 500,000 quarters from America.

For every quarter of wheat weighing 440 lbs. £0 15 0
For every quarter of wheat weighing 424 lbs. 0 12 0
For every cwt. of flour 0 4 6

from any part of Europe north of Cape Finisterre, not being His Majesty's dominions, till the quantity should be 500,000 quarters; and—

For every quarter of wheat weighing 440 lbs. £0 10 0
For every quarter of wheat weighing 424 lbs. 0 8 0
For every cwt. of flour 0 3 0

imported after the above quantities should be completed. Then—

For every quarter of Indian corn £0 5 0
For every cwt. of Indian meal 0 1 6

until the quantity amounted to 500,000 quarters.

For every quarter of Indian corn £0 3 0
For very cwt. of Indian meal 0 1 0

when the above quantities were completed.

For every quarter of rye, 10*d.*, until the quantity amounted to 100,000 quarters; after which, 6*d.*"

He merely read this to show that the state of the law at the time he was about to supply him with, was singularly favourable to his theory; and when the right hon. Baronet (Sir R. Peel) told them that when once the people of this country had tasted the sweets of a free trade in corn, they would not easily be induced by any power to return to restriction, he begged to observe that, in the five years to which he had referred, and to which he had presumed the hon. Member for Lambeth had intended to refer, this country had an abundant taste of free trade, and that with the addition of a bounty on corn imported into it. In the year 1797 the average price of wheat in England and Wales, was 17*s.* 1*d.* (7*s.* being the amount of the variation of

price during the five years of restriction, be it remembered); in 1798 the price was only 50*s.* 3*d.*; in 1799 it was 67*s.* 6*d.*; whilst in 1800 it was 113*s.* 7*d.*; and in 1801, 118*s.* 3*d.* During this time, indeed, there was practically no Corn Law. They might tell him that these were years of scarcity. ["Hear, hear!"] Hon. Gentlemen cried "Hear, hear;" but was not their system of free trade intended to save this country from years of scarcity? They might tell him that these years formed a period of war and disturbance; but what said the hon. Member for Clitheroe the other night? "Never," said the hon. Gentleman, "talk to me of war. During the last war, you had corn from France, and cotton from America, when in open hostility with those countries; and, pass but this measure of free trade, and go to war with France and America, or not, as you please—trust no more to your wooden walls, but to your steam and your scientific improvements, and, like true philosophers, place confidence in your free trade, and depend upon it free trade will be your panacea for all the evils that may befal you." He had shown, then, the hon. Member for Lambeth, he hoped, that so far from the years he had taken proving his argument, they proved that the hon. Gentleman and those sitting round him were advocating laws the effect of which they said was to secure cheap prices. To turn now for a moment to the right hon. Baronet at the head of Her Majesty's Government. Mr. Canning once said in that House—and never did any sarcasm contain a greater truth—"that nothing in it was so deceitful as figures, unless it were facts." But if Mr. Canning were there now, he would have seen something more subtle than figures, more deceitful than facts, viz., the public principles on which public men proposed to conduct the Government of the country. He (Mr. Borthwick) said so, because he believed it, and because he thought that the right hon. Gentleman would agree with him—and particularly if he could show it on the authority of the right hon. Gentleman himself—that he (Sir R. Peel) drew diametrically opposite conclusions from the same facts. When the right hon. Gentleman addressed his constituents at Tamworth in 1841—and he (Mr. Borthwick) referred to this to show the dexterous ingenuity by which he (Sir Robert Peel) could, at different times, draw opposite conclusions from the same facts—in 1841, at Tamworth, when asked his opinion upon the Corn Laws, the right hon. Gentleman referred to Mr. M'Culloch, and quoted from his work on the subject:—

"The price of wheat in England at an average of the ten years ending with 1820, was no less than 83*s.* 6*d.* a quarter. Its average price has since, as we have just seen, been reduced to 56*s.* 11¼*d.* a quarter, and yet, notwithstanding this tremendous fall, a most extraordinary improvement has taken place in agriculture since 1820; so much so, that we now provide for an additional population of at least seven millions, not only without any increase, but with a very considerable diminution of importation. Considering the vast importance of agriculture, that nearly half the population of the Empire are, directly or indirectly, dependent on it for employment and the means of subsistence, a prudent statesman would pause before he gave his sanction to any measure, however sound in principle, or beneficial to the mercantile and manufacturing classes, that might endanger the prosperity of agriculture, or check the rapid spread of improvement."

In this passage the right hon. Baronet repeated and adopted M'Culloch, in 1841, on the hustings at Tamworth; and yet there, in the House of Commons, in 1846, he made these observations:—

"I will say that nothing can be more erroneous than the notion that the interests of agriculture are necessarily and intimately interwoven with the price of wheat. . . . I shall, however, be sincerely disappointed if any such reduction in the price of wheat should take place as would seriously injure the agricultural interest of this country; but what I want to show is, that agricultural prosperity has no necessary connexion with the price of wheat. I take it as admitted that there never was a period in which science was so much applied to agriculture, in which the improvements were so great, and the cost of production so reduced, as during the last three or four years. Then what has been the price of wheat? There is in this country a natural tendency to decline in the price of wheat, apart from legislation. In the ten years ending with 1805, the price of wheat was 81*s.* 2*d.* In the ten years ending with 1815, it was 97*s.* 6*d.*; 1825, 78*s.* 3*d.*; 1835, 56*s.* 6*d.*; 1845, 57*s.* 11*d.*; and during the last four years, 51*s.* 10*d.*; so that, during that period, there has been a fall in the price of wheat from 97*s.* 6*d.* and 81*s.* 2*d.* to 51*s.* 10*d.*; and yet agricultural prosperity was never more marked — agricultural improvement more extensive; and therefore, if there should be a continual fall in the price of wheat, don't attribute it all to the change in your laws; for it may be the result of the improvements which you are carrying into operation."

The right hon. Gentleman here—continuing his figures, too, down to the very period at which he was speaking—made use of the same facts in 1841; and yet he drew from them the very opposite conclusion from that at which he then arrived, and said that, considering the potato famine in Ireland, and that prices had so diminished under protection, "it was the part of a prudent statesman" at once to remove all

protection from agriculture. But, to pursue the argument of the hon. Member for Lambeth, here was a proof that, under the protection which had prevailed for half a century, prices had diminished. The right hon. Gentleman the late Chancellor of the Exchequer (Mr. Baring) had told them the other night, that all their legislation had tended to a removal of protection; but the right hon. Gentleman the present Secretary of State for the Home Department had assured the House that this argument was quite a mistake, because he had told it that the effect of the measure of 1842 was that of greater stringency on importation than had been produced by any of those measures in regard to corn which had preceded it. They found, then, practically, that exactly in the proportion in which protection had been maintained—in proportion as protection had been made more stringent—exactly in that proportion had agriculture flourished, and the price of wheat diminished to the people of this country. These were simple facts — plain figures, accessible to all the world—and he should be glad to hear from some hon. Member something like an answer to them. For his own part, he confessed he had heard none, either during the twelve nights' discussion they had had on the Corn Law Resolutions, or in any of the speeches which had been made in the present debate on the second reading of this Bill; and yet this was by no means the first time on which they had been introduced to the notice of the House. Whilst he (Mr. Borthwick) was quoting Mr. Canning, he believed the right hon. Gentleman (Sir R. Peel) cheered; but he was at a loss to know what was the meaning of that cheer, unless it was to be found in this—that he (Mr. Borthwick) had been an undeviating supporter of the right hon. Baronet up to the moment when he heard the words to which he had referred fall from his lips, and had defended him from the charges which he had thought had been unjustly brought against his Government. When he saw in the *Times* the announcement which, by some well-arranged contrivance, had reached the columns of that journal, he was one of those who had said that he believed it to be impossible that the right hon. Gentleman could have so changed his opinions, and had proclaimed his conviction that, if he had so changed his own opinions, he would not ask himself, or any other of his former supporters, to change theirs, in the present Parliament at all events. Even after the Speech from Her Majesty, at the commencement of the Session, and after the right hon. Gentleman had given therein a shadowy outline of his future measures—even after they had been told that their previous relaxations of commercial laws had worked so well, that they were advised to proceed further in the same course—even after these declarations he had still given the right hon. Gentleman his unlimited confidence. He had asked himself whether he had any reason to regret the vote which, in common with other Gentlemen then around him, he had given, by which he had helped to place him in power, and to displace the noble Lord the Member for London from office. "True," he had said to himself, "the right hon. Gentleman may purpose some alteration of the Corn Laws—true, he may propose some modification of our commercial system—I am not averse from taking such changes or modifications into consideration; but I will not believe, till I hear it from the lips of the right hon. Gentleman himself, that, considering the burden of our taxation, and the artificial state of our social relations, he will propose, at least to this Parliament, the complete removal of protection from corn." He had thus interpreted, then, the cheer of the right hon. Baronet; and he would now ask him to say whether the right hon. Gentlemen or himself was right as to the opinion which the country entertained upon this subject. And, speaking of the opinions of the country, let him remind the House that appeals had been made to it in Westminster, in East Gloucestershire, in Nottinghamshire, and elsewhere, which showed that the country was not in favour of the right hon. Gentleman's measures. He doubted not that the Government had no other than the most sincere conviction that upon these measures rested the welfare of their country; and he could readily believe that they were so *pénétrés* with a sense of their importance that, whatever might be the opinion of the country in respect of them, they were determined to overcome all the difficulties by which the measures were beset, and, inasmuch as they thought they could carry them, to risk all the consequences, and trust to posterity. Well, they would trust to posterity: but would the House allow him to repeat to it why it was that he felt it his duty to give his opposition to Her Majesty's Government on these questions; and to give it, he could assure them, with greater pain at being compelled to

take that course than he had ever felt upon any subject of political importance? And here let him observe, that his noble and hon. Friends around him required no aid of his in furtherance of the great cause they had undertaken; and he stood there in aid of no party, great or small. But he did stand there to record his vote, in a sentence in which that House was called upon to pronounce its opinion upon a great question, by which the powerful few were to be benefited at the expense of the weak and working many; and upon a matter with which posterity had no more to do than this—that they were anticipating the estate of posterity, and squandering it in order to make place for the miserable Mammon-collected capital, which was the god of their idolatry. He had referred to the quotations of hon. Gentlemen opposite, and he would now beg to refer to Burke's celebrated "Essay on Scarcity," and only for the purpose of confirming the view which he had taken. Mr. Burke said—

"Never since I have known England have I known more than a comparative scarcity. The price of wheat, taking a number of years together, has had no very considerable fluctuations, nor has it risen exceedingly until within the last twelve months. Even now, I do not know of one man, woman, or child, that has perished for famine—fewer, if any, than in years of plenty, when such things may happen by accident. This is owing to a care and superintendence of the poor far greater than I remember. The consideration of this ought to bind us all, rich and poor together, against those wicked writers of the newspapers who would inflame the poor against their friends, guardians, patrons, and protectors."

He concludes—

"Let us be saved from too much wisdom of our own, and we shall do tolerably well."

Now, he (Mr. Borthwick) believed these measures of the Government to be destructive to the interests of posterity, and destructive to those whom they called the labouring poor; and, in saying this, he made no distinction between those classes who employed their industry in the cultivation of the soil, and those who, under all the improvements of science and invention, mingled their labour with the labour of machinery in Manchester and their other great manufacturing towns; for he firmly believed that both classes of labourers, both the agricultural and the manufacturing workmen, were vitally concerned in the question before the House. Some of the advocates of these measures said, "Give the poor cheap bread;" but others said, in advocating them, that their effect would be, not to cheapen bread, but to increase trade. But he would ask, how did they affect the Colonies? The hon. and learned Member for Liskeard had said that the Canadas were not at all alarmed at the prospect: but if he (Mr. Borthwick) might rely on the contents of a letter from Montreal, dated February 25, and which appeared in the *Liverpool Standard* of the 24th instant, he thought it contained very important and trustworthy evidence on that point. It was an extract from a letter from a member of an eminent firm in America, and was to the following effect:—

"Montreal, Feb. 25.

"The possibility of an American war, which, until the arrival of the packet, was the all-engrossing topic, seems now to be viewed as but of minor importance, contrasted with the evil likely to result to the province from the contemplated changes in the Corn Laws and the duties generally.

"Landed property here is now regarded as worth fifty per cent. less than it was previous to the arrival of the packet. Of course, the worst view is the one in which it is now looked at.

"With regard to the immediate effect of these changes in our produce market, the prevailing opinion seems to be that the dearth of bread stuffs at home will neutralize, to a great extent, the evil that would otherwise have resulted from them, at least for this season. It is not expected that flour will fall in price immediately.

"It is thought it will open at someting between 27*s*. 6*d*. to 30*s*."

And now, when they looked at the faith by which this House had pledged itself to Canada, in the Canada Corn Bill, he confessed he could scarcely understand how the hon. Gentlemen opposite connected the maintenance of the British Colonies with measures like the present. What he wished to know was, why it should be considered necessary that this country should be dependent upon any other parties for its food than its own native cultivators and the industrious inhabitants of its Colonies—provided that the labour of each were adequately protected. And to this principle they had nothing opposed but the vainest theories that ever possessed the brain of man. They could not point to any single authority who had written on political economy, and sustained the views of public policy which they who supported these measures were advocating. The Government had stated that they entertained those measures in consequence of a scarcity abroad, and on account of an apprehended scarcity of food in Ireland; but what said that greatest of all authorities upon political economy, Edmund Burke, upon the subject? In his "Thoughts on Scarcity" he said—

"Of all things an indiscreet tampering with the trade of provisions is the most dangerous, and it is always worst in the time when men are most disposed to it—that is, in the time of scarcity. Because there is nothing on which the passions of men are so violent, and their judgment so weak, and on which there exist such a multitude of ill-grounded prejudices."

And yet they referred to Burke as an authority for introducing measures of free trade, simply because there was an apprehended scarcity of food, and upon no other grounds. They also quoted from Deacon Hume; but although Deacon Hume was in the abstract, a free trader, and in favour of a relaxation of prohibitory duties, still he practically recommended a fixed duty; and in his letters to the *Morning Chronicle*, which were afterwards collected and published in a pamphlet, he denounced those laws as a violation of the laws of God, and the rights of man: he trembled at the idea of free trade. And to show that he was adverse to such a principle, he earnestly proposed the adoption of a fixed duty similar to that suggested by the noble Lord the Member for the city of London (Lord John Russell). Then Mr. M'Culloch had also been referred to; but Mr. M'Culloch and others who had written upon the science of political economy, had never lost a single opportunity of stigmatizing as stupid and factious exaggerations the theories of the hon. Member for Stockport and the other Gentlemen who advocated principles of free trade. What said Mr. M'Culloch?—

"The injurious influence of the existing Corn Law has been stupidly and factiously exaggerated. Still, however, it is incontestable that the sliding-scale is productive of great loss and inconvenience; and we have seen that the substitution of a fixed duty of 5*s.* or 6*s.* a quarter, to countervail the peculiar burdens falling on land, would be a signal improvement."

Dr. Adam Smith and Mr. Ricardo all had denounced the principle of absolute free trade as fatal and injurious to the industry of the country; and yet they were told that such principles as those which had been proposed for adoption were to be classed with the wisdom of our ancestors. The hon. Gentleman the Member for Bassetlaw (Mr. G. Vernon) had used an extraordinary argument. Although the hon. Member for Liskeard (Mr. C. Buller) had sported upon the borders of extravagance—and he was one of those hon. Members who had a right, perhaps, to make so free—yet the hon. Member for Bassetlaw, when taunting hon. Gentlemen at his (Mr. Borthwick's) side of the House with over-devotion to the wisdom of their ancestry, had delivered a speech in ridicule of that wisdom of a description such as he had never had the misfortune to hear before. Yet the hon. Gentleman was addressing an assemblage of Englishmen in the nineteenth century, in a country whose rapid spread of civilization had gained for it the leading position among the nations of the earth, and had desired them to ridicule the inspirations of Shakspeare, Milton, and Burke—men who had immortalized their language, and who had been charged with high missions for the civilization of mankind. But the opinions of such men were to be discarded, and their wisdom ridiculed. The wisdom of such a man as Newton—Newton, who studied the heavens, and revealed to man the wonderful mystery by which the Almighty suspended the Heavens in space!—those lights of a generation that had passed away, were to be forsaken for the hon. Member for Bassetlaw, and the opinions and principles of a Sheridan, a Fox, or a Burke, were to be forgotten, in order that homage might be offered at the feet of that hon. Gentleman! The hon. Gentleman, with a ludicrous and strange self-complacency, had told them that in following the wisdom of their ancestors they were abandoning the wisdom best calculated to promote the interests of the country; but he (Mr. Borthwick) would tell him that in the history of human character, there had not been one solitary instance in which any man who despised the wisdom that had gone before him, had left behind him an example of adding to its stock. The authorities he had referred to bore him out in this assertion, because they had all admired the wisdom of those who had gone before them. They were reminded from the Treasury benches of the stores of science at command, of the power of steam and machinery, and appealed to whether by the hand of science they could not charge the lightning with a message, and that its obedient will would bring back a return. But who, he would ask, had invented the steam engine, or made those wonderful discoveries in chemistry which had been productive of so much advantage to mankind? Had they not all been admirers of the wisdom of our ancestors? But upon what grounds had the country been called upon by Her Majesty's Ministers to make those important changes? The right hon. Baronet at the head of the Government (Sir R. Peel) had talked of famine in Ireland; and the noble Lord opposite (Lord J. Russell) had mentioned the

same cause prospectively; but the noble Lord had been rather guarded in his allusions since his celebrated letter to the electors of the city of London. He (Mr. Borthwick) had looked to the state of Ireland, and in common with all who had listened to the speech of the hon. and learned Member for the University of Dublin (Mr. Shaw) had heard with the utmost satisfaction the statements made by that hon. Gentleman. There could be but one feeling of satisfaction among all who heard those statements. He was sure nothing could make them dissatisfied unless they doubted their truth. The truth of them, however, could not be doubted, for the prices of the esculent therein quoted, corroborated their truth. The noble Lord opposite (Lord J. Russell) and his late Colleagues in office, were shy of touching upon the subject, and therefore saw the propriety of not committing themselves. The noble Lord the Member for the city of London, and the noble Lord close to him (Lord Morpeth) had escaped from the responsibility which was thrown upon the right hon. Baronet; but would the support and gratitude of the former be extended to the Government after the present measures were carried? Would the right hon. Baronet find in the hon. Member for Stockport (Mr. Cobden) and the Gentlemen who surrounded him, better followers than those he had abandoned; or would they not seize the first opportunity to return to that power from which the late followers of the right hon. Baronet had dislodged them? But why, he would ask, were the measures proposed by the Government for adoption more advantageous now than before? Did the repeal of the Corn Laws embrace everything? Was there no Church in England? Was there no Church in Ireland? Was there no Factory question, and were there no Poor Laws? Did none of those great principles remain? Yes, they all remained but the effect of the right hon. Baronet's carrying this law, would be to deliver the country which confided in him (not a party, but the country itself), and its poor industrious classes, with all its vast dependencies, bound hand and foot, to the mischievous policy of hon. Gentlemen opposite. It behoved every Gentleman to give a candid vote, and he agreed with the noble Lord opposite (Lord J. Russell), that every vote ought to be given on the assumption that it would carry the measure. His vote, he assured the House, would be given with due regard to the importance of the subject, and in a totally disinterested manner. The hon. Gentleman who sat near him, had been asked what measures they were prepared to propose were they to form an Administration? But that was a question upon which he congratulated the hon. Member for Lynn for maintaining silence, because, if the question were answered, it might give the right hon. Baronet at the head of the Government the Budget he was fishing for, and he might adopt their policy; or, as the hon. Member for Shrewsbury had facetiously remarked, he might, finding them bathing, run away with their clothes. The noble Lord opposite (Lord J. Russell) would no doubt keep his counsel upon this question; but he (Mr. Borthwick) maintained that if his vote were the casting vote, and if he were told his voting one way would carry or defeat the measures proposed by the Government—viewing and not being ignorant of all the inconvenience to commerce and danger to society which would result from a dissolution of Parliament at this moment—still he would feel himself bound to vote precisely as he now felt himself bound to vote against the measure of the Government. He would in that case be responsible to God and his country, and posterity, for the judgment which they would pass upon him for the honest exercise of that right, by which he believed he would secure from imminent danger the fortunes of a great and powerful Empire. He had upon the present occasion advocated, at great disadvantage, the opinions he held, because he did not expect he would have been fortunate enough to address the House that night, and therefore was not so well prepared to do justice either to himself or to the cause he wished to support. He was most desirous he should not be misunderstood, that the principle upon which he recorded his vote against Her Majesty's Ministers, was not upon the principle of party or of faction—it was not from any desire to see a new party, or to unseat the Government—to see hon. Gentlemen opposite occupying their places; but because he considered that, in adopting the wild and theoretical legislation proposed, the House would be seriously injuring the interests of the country. When the right hon. Baronet (Sir R. Peel) changed his opinions, it recalled to his (Mr. Borthwick's) mind the reply of a distinguished physician, whom Moliere made ridiculous, but whom the right hon. Baronet had exalted to the sub-

lime. When Malgre Lui was told that the heart was situate not on the right, but on the left side, he coolly replied, "*Nous avons changé tout cela.*" Thus it was with the right hon. Baronet. He sought to make all those changes in the body politic, but without assigning any valid reason. He (Mr. Borthwick) trusted the agricultural interest would long continue to afford to the world an example of that meek and honest worth which had made this country the most renowned in the world. If in the nineteenth century it continued to maintain its supremacy, and to stand unrivalled in all that tended to civilize and enlighten mankind, that fame, he believed, was due to the modest worth, the patient industry, the great intellegence, and the heaven-born piety of the peasantry of England. He implored ths House to beware how it trampled upon their rights, and discarded their interests. He did not tax Hon. Gentlemen opposite (the free traders), who were connected with manufacturing and mercantile pursuits, with insincerity in the course they were adopting; but he could not forget that their experience was limited, and that they were not associated with the labouring classes employed in agriculture like the Gentlemen who sat behind him upon the protection benches. Hon. Gentlemen opposite, it was true, were now in the habit of employing large numbers of persons; but then those persons were often discharged at the end of a week, and returning pale, worn, and emaciated, from the din and turmoil of a large manufacturing town, where could they find employment and shelter? Could they find it in the agricultural parishes from which they had gone forth while yet health and strength were theirs? No; the only shelter they could find would be in that gloomy receptacle, the workhouse, which the present law afforded them. He believed that if this measure was passed into law, the condition of the peasantry of England would be much aggravated, and it was under that impression that he ventured to oppose, humbly, but earnestly, the scheme of the Government. He begged to thank the House for the great patience with which it had heard him; and he ventured to express the hope that hon. Gentlemen opposite would follow the example of hon. Members behind him, and not rise till they had something to say, and sit down when they had finished. If they followed the example set them by his Friends, there would be no necessity to taunt hon. Gentlemen at his side of the House with a desire to delay the debate, or retard the adjustment of the question. The resistance which he and the Friends whom he saw around him, were making, was a consistent and not a factious one; and whatever might ultimately be the result, he and the party whose principles he supported would come out of the struggle with nothing but credit to themselves.

MR. C. BULLER was exceedingly obliged to the hon. Member for Evesham for the personal compliments which he had paid him; but the hon. Gentleman did him injustice when he accused him (Mr. C. Buller) of having laughed at Gentlemen opposite when they quoted the "wisdom of our ancestors." What he complained of was, not of their always quoting that wisdom, so much as of their never following it. Our ancestors were doubtless wise men; but what he marvelled at—what he laughed at—was at their descendants and admirers so often keeping to every foolish saying or doing which their fathers had lapsed into, while they neglected the landmarks they had left of extended knowledge and true wisdom. For, whenever the "wisdom of our ancestors" was mentioned —their most sagacious sayings, their most solemn declarations—up got the hon. Member for Evesham to repeat the quotations, and apply them as supporting the policy of his party; while hon. Gentlemen behind cheered him on, without for one moment minding whether the citations told for or against themselves and their cause, so long as they were made by somebody on their side of the House. If he wished to quote the "wisdom of our ancestors" against restrictive laws, he should quote precisely those two sentences which at different times had been cited by the hon. Member for Evesham from the writings of Burke. He should warn the House against the folly of tampering with the subsistence of the people. He should tell the House, when they were proposing a law by which to insure a supply of food and of employment for the people, he should remind them, from Burke, that a people maintained a Government, but that no Government could maintain a people. One great feature, however, of the wisdom of our ancestors, compared with that of their descendants, was the comparative brevity of their debates. He did not believe that, in the Parliamentary history of this or any other country could be found such a phe-

nomenon as a three weeks' debate upon one Motion. [Hon. MEMBERS: Look to America.] He could hardly quote America in talking of the wisdom of our ancestors. But he did maintain that he had never heard of our forefathers debating a Motion for three weeks; and though he was willing to do justice to the strength and the variety of the arguments of the hon. Gentlemen opposite, yet he thought that they would have exhibited both to more advantage had they detailed them at half their length. He was not going to plunge into the subject of free trade. This was altogether too late a stage of the business for him to adopt such a course. Besides, it was a subject on which the good sense of mankind had made up the opinions of the world long ago; and whatever ingenuity hon. Gentlemen might show, they would find it impossible to persuade the world that the way to secure a cheap and constant supply of an article was to limit the range from whence that supply could be drawn; while they would find the task equally hard of persuading the world that they, or the sellers of any other commodity, ought to have more than the fair market price for their ware. He believed he might assume that, since 1815, there was to be perceived in the conduct of public men a general admission that, in dealing with corn, they had acted upon the feeling that it was to be considered in the light of an exception from the general principles of trade. A right hon. Friend of his had rightly explained the purpose and object of the law of 1815, when he described it as having arisen from the great demand for corn during war time, the consequent quantity of land taken into cultivation, and the bargains made upon the faith of a continuance of high prices. In order to preserve these last the Legislature deemed it wise to restrict the import of foreign corn. He must own, however, that the conduct of all successive Governments and public men had shown that they were impressed with the idea that, in dealing with the Corn Laws, the great principle to be kept in view was that of gradual relaxation, in the hope that they might be ultimately entirely done away with. Now, they had heard much lately of the merits of consistency. For himself he could claim no such merit; for, two or three years ago, he had voted for restriction in the trade in corn. But he at the same time could not admit that men could not change their opinions upon a point without gross inconsistency. Therefore, he felt that in defending the right hon. Baronet opposite from the charge, he was also defending himself, as well as others who had changed their opinions: not that he would be inclined to load with indiscriminating eulogy right hon. Gentlemen opposite. He thought that they had shown a want of foresight in 1841 in not saying "these laws cannot be long kept up—we shall, therefore, prepare the country gradually for the adoption of perfect free trade." On the contrary, however, they fell into the error of imagining that the Corn Laws could be maintained much longer than it was possible that they could be kept up. Since then, however, symptoms of a coming change were one after another manifest; hon. Gentlemen below the gangway blamed the Ministers for inconsistency when they should blame their own want of perception. He did think that there had been abundant indication that the convictions of the right hon. Baronet at the head of the Government in favour of the Corn Laws were undergoing a gradual but great alteration. Year after year he gave up some argument in their favour. First, there was their alleged effect of producing steadiness of price—that consideration was thrown overboard. Then came the argument about dependence on foreigners—that met the same fate—and so on. The right hon. Baronet went on discarding one argument after another, until, as he (Mr. C. Buller) remembered, the general remark on this side of the House was, "Why, on what grounds are these Corn Laws to stand, as all the considerations in their favour are thus successively abandoned? And, in fact, for the last year or two, they had stood on nothing more secure than the annual promise which the Duke of Richmond managed to extract, that the Corn Laws should not be altered that year. He certainly thought that Ministers should have commenced the work much earlier; but the great and interesting question for consideration now was—"Under existing circumstances, can the Corn Laws be maintained any longer?" He thought it but fair to right hon. Gentlemen opposite to admit that the change of opinion which they now condemned was of long and gradual growth. He never could believe that, under all circumstances, men of sense could go on to the end as they started in the beginning. He blamed no man for changing his opinion, especially a particular opinion of this kind, with regard to

which circumstances must exercise a great influence. But who—who had experienced a change in his own opinion, as he confessed he had experienced many since he came into that House—who could say—certainly he, for his own part, could not—who could tell the exact moment when a change of opinion took place? He repeated he could not point to the exact moment when he threw the Corn Laws overboard, and took up his present opinions. Probably, after he was really convinced, he went on in the old course for some time from habit. Nobody could point to the precise period when they gave up one set of opinions and took to another; but the right hon. Gentlemen opposite gave from time to time plain indications of the change gradually working in their minds. With that conviction going on, how did circumstances operate in the autumn of last year? Hon. Gentlemen opposite had laughed at the arguments founded upon Irish famine, and had told the House that they were no arguments at all. And here he must say, that those hon. Gentlemen had shown a good deal of that inconsistency with which they were ready to reproach others: for let it be remembered that they had not been in the same mind as to the existence of scarcity in Ireland during the course of these debates. Nothing could be more marked than their tone in the early part of the debate in admitting the existence of circumstances of great distress. ["No, no!"] Why, they allowed that there was distress, against which the Government was bound to provide. The hon. Member for Somerset admitted that it was the duty of Government to open the ports, and suspend for a time the Corn Laws. [An Hon. MEMBER: Assuming the existence of the distress.] He told them that it was not until they found how they had, by their own admission, cut the whole argument from under their feet, that they had bethought themselves of bringing forward the Gentlemen who had lately attempted to deny the existence of famine in Ireland, It did seem to him that, with such a calamity impending, or even possible, in any part of the country, that for hon. Gentlemen to come forward, and on such evidence to deny the existence of the potato failure, and to recommend the House not to take any precautions against it; and in the teeth of evidence of the most decisive nature, that the calamity was imminent—such a course was not one he should like to pursue. Talk of their denial of famine in Ireland; why, at first to admit it was the whole gist of their speeches. Then they moved round; and that there was no famine, and ought to be no precautions, became the burden of their song. ["No, no!"] Did they mean to say that they came forward and, in the first instance, denied the danger of famine. No, they said that Government ought to take precautions against it. But now, when it was suitable to their party views, they denied the existence of scarcity altogether; and the right hon. Member for the University of Dublin came forward with private letters and hearsay stories to contradict the most irrefutable public evidence furnished by public functionaries of all grades, beginning with the Lord Lieutenant, and ending with the authorities of Poor Law Unions. All these authorities told the same tale of scarcity existing, and famine and fever impending; but some hon. Gentlemen there were who could still see nothing in the present state of Ireland, or at least would see nothing in its present state, but what tallied with their favourite arguments. We might have what proof we would of coming fever and coming famine; but the only spectre from which they recoiled was that of abundance. It seemed to him, then, that this famine it was impossible to deny. Hon. Gentlemen once admitted its existence by offering their assistance in averting it. The hon. Member for Lincoln had told the House that he would subscribe 300*l*. [Colonel SIBTHORP: I should like to know what you will give.] Sorry should he be to remind the hon. and gallant Member of an inconvenient promise. He mentioned the fact, thinking it greatly to the hon. and gallant Member's honour. He thought nothing could be more handsome than his offer, and he was quite sure that the hon. and gallant Member would stand by his word. But when he and others subscribed, let them recollect that the whole weight of the Corn Laws would fall upon them—they would be paying an increased price for the supply of the starving people of Ireland. Why, was not the common-sense plan the suspension of the duties and the free admission of cheap food? But, then, it was said the Government might have opened the ports, but where was the necessity for altering the Corn Laws? He would ask hon. Gentlemen to recollect one or two facts connected with this subject. Since the year 1815 Government had only once

opened the ports by an Order in Council. It occurred in 1826, under the Ministry of Mr. Canning. Did that Cabinet propose to dispense for a time with the Corn Laws, without altering them? Why, the first thing they did was to ask for an Act of Indemnity for themselves, and to propose those alterations in the Corn Law, which after several changes—not as he thought for the better—were embodied in the law of 1828. The great argument against a fixed duty was, "let a time of scarcity once come, the opening of the ports could not be resisted," and no one would have the hardihood to propose its renewal. Was it likely that the right hon. Gentleman, if he once consented to open the ports, would re-enact his own law, which confessedly had not answered its purpose? He wanted to ask the protectionists one question—the ports once open, when would they shut them? They heard very consolatory stories about the new crops of potatoes, and experiments made by the Duke of Portland, which he supposed the Irish peasantry were to follow; and one hon. Member was so good as to take a young potato out of his pocket, and show the House that there was no disease in it. Why none of them were diseased until after they had been put by for food. Could we look at those and be sure of the next crop? The example of what occurred in America was fraught with warning, for in three successive years there was an increase of the disease in the potatoes: no Government could with common prudence have legislated for Ireland without considering the probability that the emergency of this year would be that of the next. Would you have had the Government open the ports, and shut them in September, believing they would have to open them by Order in Council next year —or would you have them open the ports for an indefinite period, and still keep the law unaltered? It would have been impossible for the Government to have retained the Corn Law under such circumstances. The feeling, therefore, of the right hon. Baronet must have been that the Corn Law would not be permanent, and that the necessity for altering it increased year by year; and no hon. Gentleman opposite had ventured to say that it was to be retained for ever. His hon. Friend the Member for Northamptonshire admitted that he could not say that it was a permanent law, and he spoke of alteration at a period which he did not specify. With this conviction, that the law was not permanent, and the pressure of distress in Ireland, were there no other circumstances which pointed out the present as a time when this change might be made with peculiar facility and slight risk? One of the greatest fears which had been expressed as to the effect of this alteration, was the increase of the supply from abroad. They were guaranteed now, that for some time to come there will be little importation of food from abroad. The circumstances of Europe guard against any sudden alteration in the price of corn. Another fear was, that labourers would be thrown out of employ. The demand for labour was never so great as now. The demand caused by the formation of railways showed that this was a fitting time for a change which might affect the labourer. A third reason which had weighed with the Government, was the influence which our change of policy might have on that of other nations. He had heard many jokes made upon the chimerical nature of the right hon. Baronet's hopes that Prussia would be influenced by the change in our Corn Law. He saw last autumn in a foreign paper that, in the Council of the Zollverein held last year, the Prussian delegates used all their influence to induce a reduction of duties. Conceive how much you would strengthen the voice of Prussia at the Council of the Germanic League, if you would supply her with the argument that free trade was established here. Was there nothing in the present position of the United States which made it a fitting moment to relax our commercial policy? He would not advert to questions of a delicate nature. He would not speak of the hostility to this country which had been expressed there, and which he did not believe was the sober sense of the people. He would not speak of the probability of diminishing the chance of war by the relaxation of our commercial policy; but he would merely advert to the fact that the question of their tariff was now under consideration—that they were debating their tariff at the same time that we were debating ours. It was stated the other night that there were many manufacturers in America, and especially in the Northern States, who are averse to any relaxation. Why, the Americans might just as well say, that the agriculturists in this country, and the Duke of Richmond, were averse to our change in the Corn Law; but we say that we have the majority, and can prevent their opposition being effectual. In that

way they paraded the minority in America to support their opinion. In the last election a great deal turned upon the question of the tariff; and in Congress there was a decided majority in favour of relaxation in commercial policy. There never was a moment in which it was more likely that if England relaxed her policy, she would meet with a corresponding relaxation in the United States. On these grounds he believed they were wrong in finding fault with the right hon. Baronet for the course he had pursued. We have a right to find fault with him for maintaining the law so long as he has. They have no such right, for he has maintained it for them longer than any one else could, or than they could have maintained it without him. They should thank him for the kindness he had shown them, and at once admit that the right hon. Gentleman was now yielding to a necessity against which he could no longer struggle. But when he said that the other party had a right to blame the right hon. Gentleman for the past, he felt the greatest admiration for the course which he now pursued. If he had not listened to the voice of argument and truth sufficiently soon, he had certainly now propounded his measure of relief in a frank and determined spirit. No man, even of his enemies, had ventured to impugn his motives. He believed, if the right hon. Gentleman had acted on the vulgar views of party, and determined to go along with his own, right or wrong, he might have relied on a majority, and kept up those laws some time longer. But the result would have been in the end fatal not only to the Corn Laws, but to far more important interests. He must say that the most degrading policy a public man could pursue was, having changed his opinion, to give a vote which his reason condemned; to repeat arguments, of the fallacy of which he was convinced; and to impose on the country a policy which he believed to be dangerous. Such a course must lead to the belief that the position of a party leader and chief Minister of the Crown, instead of being one of honour and dignity, would become one of the most dishonourable to which any man could attain. He should touch on one other argument. It was said the Parliament should be dissolved, and the sense of the people taken. To a certain extent he admitted there was some validity in that argument. If the right hon. Gentleman thought the repeal of those laws was against the sense of the country, he should say the experiment was not only unfair, but exceedingly dangerous, because the inevitable consequence would be, that on the assembling of a new Parliament the Act would be reversed, and the Corn Law restored. But really, after the decisive majority with which the question was carried, there was no ground for supposing that the party opposite would increase their numbers by a single unit in the event of an appeal to the country. "Oh, but," said they, "try." Grave reasons alone should induce a Minister to appeal to the country; and, in his opinion, the present state of the question of repeal furnished no such ground. The arguments of the protectionists, on this point, were some of the oddest. A free trader was returned in Westminster; and that, they said, was a great triumph to them. It was true he had heard of 400 protectionist voters being about to be brought up by the Duke of Richmond to turn the scale, but he never heard of their setting up a candidate on their own account. The result of the election must be taken as a proof that a majority of the people of Westminster were in favour of free trade. He should grant all the most sanguine notions of the protectionists, that they carried all the small towns and agricultural boroughs; and in that way, with the counties, obtained a majority—it would be impotent to keep up the Corn Laws, and the whole representative system would be brought tumbling about their ears. Take but the North Riding of Yorkshire, his noble Friend (Lord Morpeth) and his Colleague walked up the House, the representative (as correctly as he could make the calculation) of twenty-three county Members. The protectionists did not pretend they could alter the representation, the metropolitan representation, or that of the city, or of the county of Middlesex. Why, these represented more persons than 240 boroughs. He asked the protectionists, then, had they not sometimes trembled at the consequences of their own possible success? If they attempted to pursue a course which the great and intelligent majority condemned, so surely would a second Reform Bill be proposed, which it would be impossible to resist. He warned them of the ground on which they were treading; and before they followed it up in that and the other House, he put it to them whether they would excite the public mind to the consideration of questions of far more importance to the interests of the people of

this country than the Corn Laws. They talked of "conservative policy;" but never was there a more sagacious upholder of that policy than the right hon. Gentleman, when he resolved to give up laws which were the cause of great heartburning and discontent amongst the people.

LORD G. BENTINCK said: Sir, the hon. and learned Gentleman who has just sat down commenced his observations to the House by stating that the universal common sense of mankind was agreed in the principles of free trade. Why, Sir, I think when the hon. and learned Gentleman looks to the opinions of the people of the United States of America—when he looks to the opinions of the monarch and people of Prussia — when he looks to the opinions of the people of France and her Government—when he looks to the united opinions of the Zollverein of Germany—and when he looks to the opinions of Russia—he must have paused before he came to the conclusion that the united common sense of all mankind was in favour of free trade. The three tailors of Tooley-street once mistook their opinions for the opinions of the united people of England; and so it is, I think, with the hon. and learned Gentleman. He mistakes the opinions of a party which, until the month of November last, was but a small minority in this House, for the universal common sense of all mankind. Sir, the hon. and learned Gentleman has made several observation with regard to the course that those around me have taken, and the opinions we have formed in respect of the alleged potato famine in Ireland. I believe, Sir, and every day convinces me more and more, that the alleged potato famine in Ireland has been a gross delusion upon the country. True it is, that we, having had the Ministers of the Crown come down to this House with a Speech from the Throne, stating that a great calamity was hanging over Ireland, and that there had been a great failure—an immense and general failure—in the potato crop; that this House was disposed, in the first instance, to listen to a statement coming from such high authority. Since that time, however, we have had better opportunities of informing ourselves on the subject, for we have had Returns laid on the Table of this House from no less than 414 market towns in Ireland, and the result of those Returns was, that the average price of potatoes per stone throughout the whole of Ireland was a fraction under fourpence. I do not think that the people of England can be persuaded that there is that disastrous failure in the potato crop which some would make them believe. I do not think they will be brought to believe that there was such an absolute failure in the potato crop in Ireland as to produce absolute famine there, when they are told throughout the whole of Ireland the average price of potatoes is not quite 4*d.* a stone. But we have it, not only from those Returns dated the 24th of January last, and which were laid on the Table of this House, that such was the low average price of potatoes, but we are also informed from the daily newspapers of Ireland, which record the current prices of potatoes in all the market towns of that country, that instead of potatoes rising in price, as stated by the right hon. Baronet, they are rather falling, in the great majority of the markets. I have by me the prices of potatoes, in, I think, eighty or ninety of the principal markets of Ireland, from which I find, that up to the 24th instant, there were but four market towns, of the whole number stated in the Returns, in which the price of potatoes had risen, while in all the others the prices had remained as they had been stated in the Returns of the 24th of January last, which were laid on the Table of this House. But this is not all. We have it on the authority of an hon. Gentleman who read a letter from Carnarvon, stating that two shiploads of potatoes came over from Ireland to England; and we are also informed that several cargoes of potatoes have come over to this country in the course of the last few days. Why, the prices of potatoes must be rather on the decline than on the rise in Ireland, when they export them to England, where we all know that they have fallen nearly one-half since the month of December last. So that I think I am fully justified in saying that there never was so gross a delusion attempted to be practised upon any country as that which has been attempted to be practised on the people of England by Her Majesty's Government; and this they have attempted, while at the same time they keep out of sight their own great delinquencies and gross inconsistencies in abandoning all those principles which they entertained in former years. It will be in the recollection of the House, that, after much difficulty, I did, some few weeks ago, obtain a declaration from the right hon. Baronet as to what he thought would be the prospective effects of this measure

as regarded the price of wheat. The right hon. Baronet gave it as his opinion at last (he displayed so much courage in 1842, he was not disposed to be so courageous again), that had free trade in corn existed in 1836, when, as he stated, the average price of wheat in this country was 39*s.*, the price of wheat would not be lower in the markets of this country by a free-trade commerce with foreign countries. The right hon. Baronet said that in 1836 the average price was 39*s.* The fact is, the average price in 1836 was 46*s.*, and in 1839 the average price was 39*s.* I am, then, prepared to meet the right hon. Baronet on that question, and I am prepared to show that the prices would necessarily be considerably lower. The way properly to ascertain this will be to look back a little and to see what was the average price of wheat throughout all the markets of Europe in 1836, and then in connection with those prices to calculate the expenses of freight and other charges, accurately to ascertain at what price wheat could be imported into the port of London. Well, I have ascertained all those facts, that I might be enabled accurately to place the whole subject before the House. I find then, in 1836, in—

Places.	Lowest.		Highest.		Average Price.		Add Freight and Charges.			
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Dantzic ...	21	10	34	10	28	4	5 6 / 1 0		34	10
Rotterdam	29	7	33	4	31	6	5 1 / 1 0		37	6
Hamburgh	21	1	36	8	29	10½	5 0 / 1 0		34	10½
Amsterdam	20	6	35	7	28	1	5 0 / 1 0		34	1
Memel ...	18	1	26	1	22	1	5 6 / 1 0		28	6
Denmark	0	0	0	0	25	0	6	6	31	6
Antwerp	18	5	33	9	25	3	5 0 / 1 0		31	3
Odessa ...	16	2	21	1	18	7½	11 0 / 1 0		30	7½
Riga, free on board, Polish wheat, 62lbs. per bushel.					25	7	6	6	32	1
Riga ditto., Courith do. do.					27	8	6	6	34	2
Average pricein England, per *London Gazette*					46	2			32	11¼

Those prices are all taken from the returns of foreign countries—they are returns which admit of no dispute; and the result of the whole is, that wheat in 1836 could have been imported from those ten different countries into England, and sold at a very considerable profit. The right hon. Baronet gave it as his opinion, and he gave it in this House, that it could not have been imported at a lower rate than 39*s.* But, I ask, how could he advance such an opinion, when the average price of wheat in England in 1836 was not 39*s.*, but 46*s.* 2*d.*? Consequently, it was clear that wheat might be imported from ports of Europe into Mark-lane in 1836, at 13*s.* 3*d.* the quarter cheaper than the average price of all England; and when you recollect that in London the average prices of wheat are generally 3*s.* higher than throughout the whole country, there can be no doubt that if there had been a free-trade commerce in 1836, that the price of wheat would have been reduced far below 39*s.* a quarter; and I might have taken into calculation the year 1835, as in that year I found the average price in the whole of England to be 39*s.* 6*d.*, and which calculations I have made by taking the prices of that year from the reports of the different countries in Europe, finding the result to be in 1835, in—

Places.	Lowest.		Highest.		Average Price.		Freights and Charges.			
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Dantzic ...	21	0	24	11	22	6	5 6 / 1 0		29	0
Rotterdam	26	9	31	6	29	1½	5 0 / 1 0		34	0½
Hamburgh	20	9	22	3	21	6	5 0 / 1 0		27	6
Amsterdam	21	10	26	0	23	10	5 0 / 1 0		29	10
Memel ...	19	4	26	0	22	8	5 6 / 1 0		29	2
Antwerp	18	5	21	6	19	9	5 0 / 1 0		25	9
Odessa ...	16	2	23	2	19	5	11 0 / 1 0		32	5
Denmark	0	0	0	0	19	0	6	6	25	6
Riga, free on board, Polish wheat, 62lbs. per bushel					25	2	6	6	31	8
Riga, ditto. Conrith do. do.					27	2	6	6	33	8
Average price in England, per *London Gazette*.					39	4			29	10¼

From this calculation it is quite evident that in the year 1835, while the average price of wheat was in England 39*s.* 2*d.*, the average price was in all the countries in Europe I have enumerated, 29*s.* 10¼*d.*, which clearly proves that wheat could be imported into Mark-lane at nearly 10*s.* a quarter lower. I trust, therefore, I have shown to the House that the alarm of the farmers of England at this measure of the Government, was by no means visionary; and Her Majesty's Ministers, in introducing this measure, blew hot and cold. In one

half of their speeches they affirmed that the farmers needed not to be alarmed, for in looking at the effects of the Tariff in 1842, as seen in the pricess, there was every reason to believe that free trade in corn would rather advance than lower the prices; and Her Majesty's Ministers, in addressing themselves to the agricultural Members, turned round and said, that their only object was to have cheap food to remove starvation, want, and misery—to alleviate human suffering. I hope and trust that the right hon. Baronet will be able to answer the positions which I have laid down, and that, as he has given no clear or distinct opinion as to what may be the future operations of his measure, that he will, by arguments or statements, this night do so. Let him do so clearly, distinctly, and satisfactorily—let him also justify the declaration he made as to the price of wheat in 1836; and if he cannot—and which I am sure he cannot—are we not entitled to ask him to return to those principles which he advocated for a period of thirty years? It had been urged that a free trade in corn is necessary to procure steadiness of prices in this country; and this was one of the principal arguments against the sliding-scale, that it had not promoted steadiness of price. I am prepared to show (and I defy the right hon. Baronet to prove the contrary), that since the year 1842 the prices in this country were subject to less variation than in former years. It has also been urged against us that we have given up the sliding-scale; but we have not given up the sliding-scale. We have not abandoned the sliding-scale; and I believe a large portion of the agricultural body are persuaded that the law of 1842 is a law which worked much better than any other law that had been in operation. The prices of the last few years since 1842, is so impressed on every Member, that it may be admitted that while the lowest price in any week since the change of the Corn Laws was 45*s.* 1*d.*, the highest price for one week, and for one week only, was 60*s.* 1*d.*; and when we call to mind that that high price was created by the alarm which was spread, and industriously propagated throughout the country, I think I am justified in saying that when the fluctuation was only between 45*s.* 1*d.* and 60*s.* 1*d.* in the course of nearly four months, that of it the country had no reason to complain. Let me now see what were the fluctuations in other countries, as exhibited in the following tabular view:—

Places.	Years.	Lowest price.		Years.	Highest price.		Fluctuations per cent.
		s.	*d.*		*s.*	*d.*	
Memel	1836	18	1	1831	49	3	166
Odessa	1830	16	0	1830	33	0	106
Rotterdam	1833	26	5	1831	60	9	128
Denmark	1834	18	0	1831	39	0	116
Sydney	1838	56	0	1839	170	0	201
England prior to...	{1842 / 1836}	36	0	1838	78	4	117
—since 1842, Dec.	1844	45	1	1845	60	1	32½

In same years—

England varied	1836	68 per cent.
Hamburg	1838	114 "
Antwerp	1831	125 "
Memel	1829	106 "
Ditto	1838	44 "
Dantzic	1838	154 "
Amsterdam	1838	131 "
Bordeaux		59 "
Odessa	1830	106 "
Rotterdam	1838	44 "

Places.	Years.	Lowest price.		Years.	Highest price.		Fluctuations per cent.
		s.	*d.*		*s.*	*d.*	
Dantzic	1835	20	1	1829	60	1	202
New York	1836	21	10	1838	61	2	
Hamburgh	1839	37	0	1838	66	0	77
Amsterdam	1835	20	9	1838	58	6	192
Antwerp	1835	20	6	1838	63	0	204
Bordeaux	1833	15	0	1831	55	6	269
	1834	32	3	1832	59	3	81

And let it be recollected that in France they have also a sliding scale.

If you wish to have wheat at high and low prices, the best course certainly to adopt will be to abandon the sliding-scale and to adopt the measures of Her Majesty's Government; but as the great desideratum should be evenness of price, it is nowhere so well to be found as in the law of 1842. The right hon. Baronet said, in speaking of the famine in Ireland, that he could not think of calling on the people of England to pay a duty of 17*s.*; but I can show this duty of 17*s.* was paid by us in the profits of the importer from foreign countries. I hold in my hand an invoice which will explain this.

"Rostock, April 17, 1845.

"Cargo of 1,404 quarters of wheat, per Johannes, Captain Neiman:—

	per Quarter. *s.*	*d.*
Invoice, price free on board	26	6
Mats for Dunnage	0	1½
Freight to London	3	6
Meetage	0	6
Storeage, labourage, and lighterage	1	6
Duty	16	0
	49	1½
Mecklenburg wheat, free 61*s.* to 64*s.* Say 62*s.* 2*d.*	62	6
Profit	13	4½

It has been said by the right hon. the ex-Chancellor of the Exchequer that we have abandoned the principle of the sliding-scale in expressing our willingness to open the ports; but we never have abandoned the sliding-scale. It was said that I spoke in poetic metaphor, and I was begged to express myself in plain intelligible prose. I was afraid I wearied the House on the first introduction of this measure, when I urged that there was no just ground for it. We know, and we have it from the right hon. Baronet himself, that when he proposed to open the ports in December, he had only three Members of the Cabinet, who saw the necessity of their being opened. And the Duke of Wellington, a man of the most masterly mind, stated that though there might be a deficiency in the potato crop, it could not be said that there was any great deficiency of food in Ireland; and he said more, that the present law would of itself meet the exigency: and these are, I believe, the opinions in which my hon. Friends around me concur. But, Sir, the right hon. Gentleman the late Chancellor of the Exchequer, in his great anxiety—as if all the sweets of office were about to be dashed from his lips—has asked what our policy is? and I feel myself bound to give a comprehensive answer to the right hon. Gentleman. Recollecting, as I do, that the right hon. Gentleman has evinced the most decided opposition to any measure that has been propounded in regard to the Corn Laws—recollecting that I had the honour of supporting him in that opposition up till 1838, and resisting any alteration in the Corn Laws, and that it was not till 1841 that a fixed duty of 8*s.* a quarter was proposed by the right hon. Gentleman's Colleague—recollecting that when the Corn Law of 1842 was proposed, and finding that the clamour they had raised, and the cry for cheap bread had not been successful in returning a sufficient number of their friends to the House, that they again declared in favour of a fixed duty; and that it was only in November last that it came across the mind of the noble Lord the Member for the city of London that something was brewing in the Cabinet of Her Majesty's Ministers—that he sought to outbid them—and that he thought the only thing he could do would be to offer free trade. I will tell the right hon. Gentleman the comprehensive advice that I am prepared to give to this House and the country—to follow the advice universally given by the celebrated Doctor Baillie to his patients, to take no more of the remedies previously prescribed; and I would recommend that no more of the remedies prescribed by that side of the House should be attended to. And that is the policy which my hon. Friends, if they should come into office, would pursue; and the advice which they would give to the country, seeing that you do not understand the complaints of the country, they should take no more of your advice, as you do not understand how to treat your patients. With respect to the right hon. Gentlemen on the Treasury benches, who have so lately adopted the opinions of their former opponents, the same recommendation will be equally applicable. The right hon. Gentleman, when calling upon me not to speak in poetical metaphor, must have made some mistake as to the person of whom he was speaking; he must have been thinking of the right hon. Gentleman, who generally draws so largely upon his imagination, and who, on a former occasion, in speaking of the right hon. Gentleman himself, described him (Mr. Baring) as an angler fishing for the Budget, and said a good man struggling against fate was "a sight worthy of the gods." I think the right hon. Gentleman

has been fishing for the Budget from this side of the House. When the right hon. Gentleman ventures to impeach the course we recommend, and states that it would be dangerous to cause a dissolution of Parliament on a question of this exciting nature, with the cry of cheap bread for the people on one side, and protection for domestic industry on the other — when he ventures to tell us that we are setting the agricultural against the manufacturing classes—I must say, that I think he must have a short memory, or he would recollect that the present Parliament now sits by reason of a dissolution obtained by that party of which he is a Member, upon the cry of this very question of cheap bread; and from the observations that were made by the right hon. Gentleman previous to that dissolution, I should not have expected that he would now have been so alarmed about submitting the question to the consideration of the country. I recollect that the right hon. Baronet the Secretary of State for the Home Department, complained that the hon. Gentleman and the noble Lord (Lord John Russell) who sat on the benches opposite, had excited the people, and compared them to the 300 foxes who had firebrands tied to their tails, and were sent into the midst of the standing corn; and I remember also that he compared them to pirates, who would, rather than surrender the ship and their command, apply the torch to the magazine. I would ask my right hon. Friends who occupy the Treasury benches, what do they think of themselves now? If the right hon. Gentleman and the noble Lord opposite are to be compared to pirates, are not they pirates too? Have they not pirated the doctrines, the arguments, and the old speeches of the Anti-Corn-Law League? But I cannot pay you the compliment of saying that you possessed the dare-devil courage of pirates—that, rather than yield to distress and danger, you would apply the torch to the magazine, and sink your ship. I cannot say that you have stood by your ship as long as you could keep her afloat. No; you have left your ship in the dark of the night when you had chartered to carry her home in safety. You have brought her upon a lee-shore, and left her among the breakers. You have placed her under the guns of the enemy's battery whilst your faithful crew were asleep in their hammocks. You have scuttled your ship—you, the captain and lieutenant, master, and mate—you scuttled the ship, stole the compass, sneaked away in the long, boat and deserted to the enemy, hoping that your gallant crew would become an easy prey to those who would board her. But you judged of the mettle of your crew by your own craven hearts; and though for a moment we may have been thrown into confusion, we never have been discouraged—we have rallied from the temporary shock, and we will yet bring the good ship off the lee shore and carry her safe home to port.

Debate adjourned.

BUSINESS OF THE HOUSE.

The Customs' Duties Bill having been read a second time,

Lord G. BENTINCK: When will the Bill be proceeded with?

Sir R. PEEL: It is proposed to commit it to-morrow.

Bill to be committed.

Another Question having been called on and disposed of, during which time Lord G. Bentinck was conversing with Mr. Young and some of his Friends, the noble Lord then moved the adjournment of the House.

Lord G. BENTINCK said, that he distinctly understood from his hon. Friend the Secretary to the Treasury, that the Corn Law Bill would not be read a third time before Easter. I declare (said the noble Lord, with marked emphasis), I so understood my hon. Friend. My hon. Friend came to me, and asked what the intention of my Friends was as to opposing the Corn Bill? I replied that I was not sure whether they would take a division on the third reading, or on the question that the Bill do pass, and that it was also their intention to take a debate and a division on the second reading. It was also understood that the Customs Bill was not to be proceeded with till after the Corn Bill; but after what has been now stated, I am satisfied that the Customs Bill has been read a second time out of mistake.

Mr. YOUNG said, that at the request of the right hon. Baronet the Member for Tamworth, he had asked the noble Lord what course he and his Friends meant to pursue; and the noble Lord had stated it in the terms he had now used. He returned to the right hon. Gentleman with the message; but he had not said a word about any stipulation, and he had made no stipulation of any sort. The noble Lord the next morning stated to his friends that a message had been sent to him by the right

hon. Baronet, but he had expressly guarded himself against making any agreement. The next evening he met the noble Lord in the Vote Office. He had been aware of the meeting, but he was not aware that they could do more than read the Bill to prevent Assassination in Ireland, a first time before Easter. He was perfectly aware that hon. Gentlemen meant to fight that Bill step by step; and as there was a pledge that the Bill should be read a first time before Easter, he did not think that the Corn Bill could be read a third time. He might have appeared to overstate his authority; but he had no authority from the right hon. Baronet to conclude any agreement with the noble Lord. The noble Lord had stated fairly what had passed, and the intentions of his own party; but there was not a word as to any agreement; he had no authority from the right hon. Baronet to come to any agreement; and he had expressly guarded himself from making any in all the interviews he had. If there was any blame, he was ready to take it upon himself; and he certainly had been under the impression that they could scarcely read the Corn Bill a third time, if they read the Irish Bill a first time before Easter.

Lord G. BENTINCK: Sir, as this matter has proceeded so far, I must, in justice to myself, say that this conversation or arrangement was not of my seeking. I was in the Vote Office on Friday, when the hon. Gentleman called me aside. He distinctly told me that he had come from Sir R. Peel, whose authority he had to enter into an arrangement with me. He suggested the arrangement, that if we supported the Irish Coercion Bill, which it was the wish of Sir R. Peel to have read a first time before Easter, the third reading of the Corn Importation Bill would be postponed until after Easter. This was agreed to; and it was further arranged that the questions of the noble Lord the Member for the city of London should be allowed to pass, *sub silentio*, by me and by those about me. Sir, that, too, was agreed on; and myself and my hon. Friends scrupulously observed the pledge. On Saturday last I received a letter from my hon. Friend the Secretary, saying he had not been authorized to say as much as he had said, and requesting that the conversation which had passed between us, might be considered private. I wrote a reply, setting forth all that had passed between us. Since then I met the hon. Gentleman, when he admitted that every word in my letter, as respected the conversation, was perfectly correct. I am sorry if there be any misunderstanding; but if there be, it is not my making.

Mr. YOUNG: I must again say, that I expressly guarded myself from making any engagement on the part of the Government. I freely admit that I addressed the noble Lord in the first instance; but I think by what took place since then, that the noble Lord might easily understand that it was no agreement at all. I mentioned the subject of the questions which were to be put by the noble Lord the Member for the city of London, and the noble Lord's statement on that head is correct; but I expressly guarded myself against any agreement on the part of the Government either on that point or on the Irish measure. I admit that I said it was impossible the Corn Bill could be read a third time before Easter, and mentioned at the same time the Poor Law Bill and others which were in progress. There was no concluded arrangement on the part of the Government, though I do not say but the noble Lord might have so understood it.

Sir R. PEEL: Sir, if there has been any arrangement, it was entirely the speculation of my hon. Friend. I said to my hon. Friend, "Ask the noble Lord" (for it is absolutely necessary on questions of public business, in order to conduct it, that some understanding should be come to). I told my hon. Friend to ask the noble Lord what course he intended to pursue with respect to the debate on the Corn Bill; but I distinctly say, that my hon. Friend was not authorized by me to enter into any arrangement with the noble Lord. Since then the discussion has been carried on on the perfect understanding that there had been no arrangement. I consider myself perfectly at liberty to postpone the Irish Coercion Bill; and I have, since the conversation to which the noble Lord adverts, come down to this House and made a statement which would be quite inconsistent with the understanding or agreement which the noble Lord had been speaking of. If there be any mistake or misunderstanding, I feel bound to say that the engagement did not originate with me. I should be sorry if my hon. Friend made any mistake, and still more so if the noble Lord should suffer by it; but I do not think the noble Lord or his friends have forfeited any advantage, or lost any opportunity by what has taken place. I dis-

tinctly stated in this House the course I meant to pursue, to give precedence to the Irish Assassination Bill, but nothing else. I hope the noble Lord has not sustained any inconvenience. I again declare that I was not only not a party to any engagement, but I did all that became me to prevent such an engagement.

Mr. THORNELY: Sir, I think it is of much more importance to the House and to the country to know whether the Corn Bill is not to be read a third time before Easter, or until after Easter, than the discussion which has just now taken place. The trade of the country is in a state of stagnation in consequence of the slow progress of this Bill. I wish to ask the right hon. Gentleman, whether or no he intends to propose the third reading of the Corn Bill before Easter; or whether, according to the statement of the noble Lord, it is to be postponed till after Easter?

Sir R. PEEL: I have entered into no such arrangement.

Mr. TUFFNELL: But the noble Lord says, that such was admitted in the letters which passed between him and the hon. Gentleman the Secretary for the Treasury.

Mr. YOUNG: At the end of the letter it was stated that there was no engagement.

Mr. DISRAELI: I think it is very important that the House should know whether the third reading of the Corn Bill will take place before Easter.

Lord G. BENTINCK: My hon. Friend the Secretary for the Treasury has got my letter, and can read it for the House.

Mr. YOUNG: I have not got the letter in my pocket.

Mr. HUDSON: I hope, Sir, I may here be allowed to state my opinion. I see no reason why I should not. I consider myself quite as capable as the hon. Gentleman opposite of giving an opinion on a point of honour or honesty, which I conceive this to be, having had some experience in the world. It appears to me Sir, that a Gentleman connected with the Government had a communication with my noble Friend, wishing to know from him in what mode he intended to proceed. I think it appears, from what has transpired, that an arrangement took place, and that my noble Friend was warranted in considering that arrangement as concluded. I do not see how the hon. Gentleman the Secretary for the Treasury could guard the Government against being bound by his acts, since he went to the noble Lord in the capacity of an agent to negociate for the right hon. Gentleman the First Lord of the Treasury. I don't think the transaction can bear any other interpretation than that which the noble Lord put upon it. As to what the hon. Gentleman opposite said about the stagnation of trade in consequence of the delay of the measure, I think there is no cause for any such apprehension, for trade will stagnate much more when the Bill is passed. That, at least, is my opinion; and I don't think there is any particular anxiety on the part of the people that the measure should be proceeded with at all. But, Sir, as to the other matter, I feel bound to say again, that the hon. Gentleman must have acted as the representative of the Government, as my noble Friend did of his party; and I think it is not fair dealing to turn round upon us now and say that the hon. Gentleman was not authorized by the Government. The only question is—was the engagement made between the hon. Gentleman and the noble Lord? for if it was, I take it that according to the customs and forms of society the Government is bound by the acts of the hon. Gentleman, unless the noble Lord chooses to release them from the contract. I think that when an engagement takes place between public men, the greatest nicety of honour should be observed. It would be highly unworthy of one filling the post of First Minister of the Crown to attempt to escape from an engagement by any petty contrivance.

Mr. O. GORE did not understand these private agreements. He knew that there was a considerable number of Gentlemen anxious to express their opinion on the subject of the Corn Laws. For himself he did not belong to one party or another: he was not bound by any agreement; and if he had not an opportunity of expressing his opinions, he would move the adjournment of the debate to-morrow, let the agreement be of what nature it might. He did not think these agreements were consistent with the nature of the Constitution, and, therefore, they ought to be thrown overboard entirely. He was most unfortunate in relation to this subject, and he regretted it extremely; there was not a man in the House that entered into the subject of these measures with deeper or more heartfelt regret than he did. He had followed the right hon. Baronet through all his measures for a great length of time;

but he had pledged himself in the House—he had never pledged himself elsewhere—that he never would support free trade. Under these circumstances, he could not be a party to an agreement formed either on the one side or the other.

Mr. S. CRAWFORD said, there was one point on which he thought it was necessary to have some explanation. The noble Lord had said that some proposition was made to him on the part of the Government, in regard to the support which he and his party would give to the Irish Coercion Bill. He wished to know if that was the case; he wished to know if any proposition was made on the part of the Government to the party of which the noble Lord was the leader, in regard to the Irish Coercion Bill?

Lord G. BENTINCK said, there was no bargain of any sort or kind proposed either by the right hon. Baronet or by him. But he stated what he believed to be the views of the party with whom he served, and they were these—that if Her Majesty's Ministers, in their conduct in forcing this measure through the House, gave a practical proof of their belief that there was imminent danger to life and property in Ireland, which they thought might be remedied by the passing of this measure, then the party with whom he served, as far as he understood their views—and his impression had since been confirmed by a considerable number of them—that party would support Her Majesty's Ministers in carrying the Coercion Bill through the House, as a Bill which the right hon. Baronet, in his place in Parliament stated to be a Bill for putting down murder and preventing assassination. But that if Her Majesty's Ministers did not in their hearts believe that there was any urgent necessity for passing this measure, which was undoubtedly an unconstitutional one, which he might describe as a second Curfew Act, if they showed this by their conduct in postponing this to other measures, some of which were not to come into operation for three years, then the case assumed a different complexion, and he could not say that the party with whom he acted would in such a case support Her Majesty's Ministers to carry a measure which it could not be disputed was in itself a most unconstitutional measure.

Mr. YOUNG said, the noble Lord would bear him out in saying, that he had put no question, direct or indirect, to the noble Lord in regard to the Irish Bill. Their intercourse was merely in regard to what would be the future course of the party with respect to the Corn Bill; and in other respects, he could fully confirm what had been stated by the noble Lord.

Mr. M'CARTHY certainly understood the noble Lord to say, that a communication had been made to him from the Government, that if he and his party would support the Irish Coercion Bill, the third reading of the Corn Bill should be postponed till after Easter.

Sir R. PEEL: In answer to the question which has been put by the hon. Gentleman opposite, I distinctly state I never authorized such a proposal to be made. I never understood that any engagement was entered into by the noble Lord to support the Coercion Bill. At this moment I understand the noble Lord to be at perfect liberty to oppose the Coercion Bill, and I distinctly declare that I never authorized any communication to be made to the noble Lord with respect to the support of the Irish Coercion Bill. I can only state for myself and the Government that, either directly or indirectly, I never authorized any communication to be made in respect to the Coercion Bill, and up to this hour I never understood the noble Lord to be under the slightest engagement to support that Bill. The hon. Gentleman asked me, did I think it probable that the Corn Bill would pass before Easter? I think it is of consequence that it should pass before Easter; however, it is impossible for me to say it will pass before Easter; but no effort on my part shall be wanting to expedite that Bill, as much as possible. I am sorry for any misunderstanding; but I must declare, in the face of the House, that I never authorized any communication to be made to the noble Lord as to the future progress of the Corn Bill after to-morrow night. I never authorized any communication to be made to the noble Lord with respect to the future proceedings on this Bill; and I distinctly asked my hon. Friend to explain to the noble Lord that he was not authorized by me to enter into any engagement. I ask my hon. Friends who met me on Friday, whether the whole of my conversation with them must not have left the impression on their minds that I was perfectly free from any engagement as to the course to be pursued. And the declaration I have made to the House, in answer to the question of the noble Lord is in perfect conformity with that statement. There are two or three of

my hon. Friends here who were present.

Sir J. GRAHAM said, it was absolutely necessary, as the matter had become of so much importance, that there should not be the least disguise or concealment of what took place at the meeting to which his right hon. Friend alluded as being held on Friday morning. They met together to consider whether it was their duty to proceed with the Corn Bill without reference to the Bill for protection against murder and assassination in Ireland. He, in concert with his Colleagues, expressed their strong opinion, that it was indispensably necessary, notwithstanding their deep conviction of the importance of passing the Corn Bill; that considering the urgent necessity there was for the other measure becoming law, as well as the courtesy that was due with reference to a measure transmitted from the other House of Parliament, that the first reading of the Bill should be pressed through the House: but that no other step should be taken, and that no public measure on the part of the Government should be allowed to interfere with the uninterrupted progress of the Corn Bill through all its stages. That was the conclusion to which they came as to the course to be adopted; and they also came to this other conclusion, that it was indispensably necessary, in the circumstances of the case, that no compact should be entered into with any party; that the proceedings should be taken entirely on their own responsibility; and that there should be no understanding at all come to with any party, either in or out of the House, at variance with this responsibility which they assumed.

Mr. DISRAELI had wished that the discussion on this question should cease. A discussion regarding a correspondence which, in the first instance at least, was intended to be private, they must all regret should have been brought up; but after the concluding observations of the First Minister, and after what had just been said by the right hon. Secretary of State for the Home Department, he did not see how they could allow this matter to rest. What had taken place between the right hon. Gentleman and the Home Secretary could not satisfy the House, nor was it of any importance as regarded this question, with regard to the point that had been raised of bargaining for support on the Irish Coercion Bill. He was certain that the expressions of his noble Friend must have been misinterpreted, for there could have been no such understanding. His noble Friend, he knew, would never be a party to any such agreement; and he much mistook the character of the Prime Minister if he would propose it. With regard to the third reading of the Corn Bill, there did exist a misapprehension, and he did not think the cure lay with them. It was very well for the right hon. Gentleman to rise and say, I am no party to any such agreement—I never authorized it, and I will have nothing to do with it. But he begged the House, in justice to them, to consider all the circumstances of the case. The hon. Gentleman might not have been authorized to make the proposition; but he was well known to be an active man in Parliamentary business, and he was authorized to make a communication from the Minister to his noble Friend: not a casual, not a solitary communication; but there were three different conferences, and then a correspondence. He would put it to any hon. Gentleman, and ask what would be their inference if the Secretary for the Treasury were to come to them, and, in a tone which he could only be justified in assuming because of his connexion with the Minister, make a communication, would they doubt that he had the authority of the Minister? He had a great respect for the Secretary of the Treasury; but he did not suppose that his noble Friend would have entered into any engagement with him in his individual capacity. Bring the case before a Parliamentary Committee, and he thought the case of agency would be clearly established. He thought this was the most charitable construction to put upon the case. He did not wish to cast the slightest delay in the way of the third reading of the Corn Bill; but he did not see, from the course which the Government was taking, that there was any fair and probable chance of the third reading taking place before Easter. The right hon. Gentleman had given no answer to the question, whether he thought that the Corn Bill would be read a third time before Easter. He talked, indeed, of his anxious desire to see it pass. They might, or might not, be anxious for its passing; but what he wanted to know was, if there was any fair chance of its passing before Easter; and as there was a dispute about the nature of the engagement, he thought the best way to settle the controversy would be, for the right hon. Gentleman now to agree that the third reading should not take place before Easter.

Motion for adjourning the House withdrawn.

After the transaction of some routine business, the House adjourned at a quarter past One o'clock.

HOUSE OF LORDS,

Friday, March 27, 1846.

MINUTES.] PUBLIC BILLS. — 1ª. Real Property Conveyance.

2ª. Mutiny; Marine Mutiny.

Reported. Out-Pensioners' Services (Chelsea and Greenwich); Out-Pensioners' Payment (Greenwich and Chelsea).

PETITIONS PRESENTED. By the Earl of Eldon, from the Company of Coopers, and from the Lord Mayor, Aldermen, and Commons of the City of London, against the Charitable Trusts Bill.—From the Wesleyan Methodist Association of Canworthy Water, for the Better Observance of the Sabbath, and to prevent the Sale of Intoxicating Liquors on that Day.—From Surfleet, and several other places, in favour of the Corn Laws.—By the Earl of Yarborough, from Croft, and a great number of other places, for Protection to the Agricultural Interest.—From Board of Guardians of the Barford Union, for Alteration of the Poor Law Amendment Act.

CONVEYANCE OF PROPERTY BILL.

LORD BROUGHAM moved the First Reading of a Bill to facilitate the Conveyance of Property, which he should move be read a first time now, and a second time shortly after the holidays; a Bill which he now introduced in redemption of a pledge he had given to extend the wholesome and salutary provisions of two Acts of last Session, for simplifying the conveyance and sale of landed property and the granting of leases. Those measures had operated to the comfort of those who were really interested, but to the discomfort of certain parties who practised in conveyancing. He did not, however, much care for those worthy counsel and attorneys, but rather regarded their clients, whose time and money had both been saved by the Acts in question. His present Bill extended the former principles to all mortgages, settlements, sales, and exchanges, and to the forms of leases. One of the greatest evils to which landowners in this country were subjected was the expense of conveyancing, and the consequent uncertainty of title. A body of evidence had been given before the Committee on Burdens on Land, which was quite frightful in this respect, as showing the difference between the number of years' purchase in this and other countries, in consequence of the expense that attended the conveyance of real property here. The expense of the conveyance of an acre was as great as that of a large estate. He there found that the price of land in countries where the expense of conveyancing was little or nothing—he could himself speak to France, and the witnesses spoke to Germany and other countries—was thirty-five years' purchase in one country, thirty-six years' in another, thirty-eight in another, and in one country no less than forty-eight or fifty years' purchase. He had been asked, why not make the Act compulsory? There was a reluctance in the profession to use these forms, because the Acts were not compulsory. They could not be compulsory. If a man chose to convey in a long rigmarole deed, subject to great expense and error, you had no means of making him do otherwise; but he had inserted in the Bill that which, he hoped, would have a considerable effect; viz., a provision, that in taxing costs the Master should take the circumstances into consideration, and should not allow the long form if he was clearly of opinion that the short form might be made use of.

LORD CAMPBELL concurred in the Bill. Three years ago he had himself introduced a measure of the kind. He regretted, however, that his noble and learned Friend should have expressed an opinion that the profession were hostile to it; for he felt sure that they would be ready to adopt any improvement; and when these forms were promulgated by authority, there was no doubt of their being adopted.

LORD BROUGHAM explained: He did not mean that the profession as a body objected to these forms, but only alluded to certain practitioners of both branches of the profession.

LORD BEAUMONT could not refrain from congratulating those interested in real property, that this question had at last been taken up by one of the ability of his noble and learned Friend. Any one who had attended to the evidence before the Burdens upon Land Committee, must know that the transfer of property was not only impeded by the present system, but that a great deal of capital which would be otherwise invested in the cultivation of land was prevented from being employed in that way, in consequence of the difficulty of raising money on mortgage, and in other transactions.

Bill read 1ª.

MR. THOMAS DUNCOMBE—PETITION.

LORD BEAUMONT said, he had a petition to present from a Member of the other House of Parliament, complaining of alle-

gations and accusations that had been made against him in a petition that had been received by their Lordships, and which he declared were totally false and slanderous; and the petitioner prayed the House to adopt some means of instituting an inquiry which would enable him to vindicate his character by proving upon oath the falsehood of those accusations. The petitioner was Thomas Slingsby Duncombe, esq., Member of Parliament.

The EARL of CHARLEVILLE must call the attention of the House to the circumstances of this petition. The petitioner alleged that his attention had been called to a petition presented by the Earl of Glengall, in an appeal case, which contained false and malignant allegations, thus making it appear that the Earl was a direct party to those allegations. The fact was, that the petition had been presented by the Earl and Countess of Glengall, in an appeal cause in the usual way, without their Lordships' attention having been particularly directed to it; it had been brought under the consideration of the Appeal Committee on the 27th of February, and had been adjudicated upon, and if it had contained irrelevant matter, such matter would not have been allowed to remain upon the petition. The solicitor on the other side had had the opportunity of objecting to such allegations. The Earl and Countess of Glengall had presented this petition; the Earl being a nominal party, for he had no direct interest in the cause; and the petition did not allude directly to any individual, but stated that the person who had made the appeal was under the influence of some individual, but without stating who it was. Upon that petition there was sufficient ground for going before the Appeal Committee. However, the appellant had thought proper to put in a counter petition, which it became necessary to reply to; and the party presenting the petition in reply was prepared to verify the statements it contained by oath at the bar. With respect to the prayer for inquiry now presented to the House, he (the Earl of Charleville) must remind them that the allegations in the petition of the Earl and Countess of Glengall were founded upon allegations and proceedings in the Vice Chancellor's Court, and it was too late either to withdraw the petition or to make the inquiry, because the matter had been already disposed of by the Appeal Committee.

LORD BROUGHAM observed, that this was not a case of breach of privilege. It might or might not be a groundless petition against his noble Friend not now present, but it could not be a breach of privilege, because the Earl of Glengall's petition had not been presented by him in his capacity as a Member of that House, but as a party to a cause before the House; and it preferred charges against the hon. Gentleman, who must, according to all principles of justice, have the opportunity of denying those charges, which he had done by this petition. He (Lord Brougham) did not enter into the merits of the case, but their Lordships had no means of granting the prayer of the petition. The facts must be dealt with by the courts below, where the cause now was, and there Mr. Duncombe would have the best opportunity of clearing himself. He (Lord Brougham) did not, however, blame Mr. Duncombe in the least for presenting this petition; it was quite natural that he should do so.

After a few words from the EARL of CLARE,

The LORD CHANCELLOR said, that the original petition presented to their Lordships, contained a prayer not to entertain an appeal that had been regularly entered for hearing. The ground stated in the petition was, that the appeal had been presented contrary to an engagement between the parties. That had been referred to the Appeal Committee. Now, if an appeal had been presented contrary to good faith, the party complaining must apply to the court below for an injunction; and then the case might come regularly by appeal before their Lordships. But as it was, the House had no jurisdiction, and he had, consequently, refused the application. There had been certain allegations, imputing blame to the hon. Gentleman who had presented the last petition; and it was quite competent for him to present that petition denying those charges, and alleging that the other petition was false. It would be impossible to say, that if improper and almost fraudulent motives had been imputed to a person, he should not come to that House and deny the charges. There had been no breach of privilege.

LORD BEAUMONT said, it was unnecessary for him to add a word more than to say, that he had nothing whatever to do with the truth of one party or the other. The petition was for an inquiry to ascertain which of the parties was right.

The MARQUESS of CLANRICARDE said, that the Earl of Glengall had been accused of bringing forward these accusa-

tions, as if they had been published for the first time, whilst the fact was, that the accusations, whatever they might be, were first embodied in a petition presented to the Court of Chancery on the 7th February by the solicitor to Lady Edward Thynne, who was also, he believed, the solicitor to Mr. Duncombe. The Earl of Glengall was only a trustee in the case.

CHARITABLE TRUSTS BILL.

LORD BROUGHAM: My Lords, I would make a proposal to my noble Friend on the Woolsack. We had this Bill before us last year. Never was a Bill so fully considered. There was a Select Committee of your Lordships upon it, and when it came down to this House, the measure was so fully approved, that it passed, I believe, without a single division. I need scarcely tell your Lordships that I then was, and still am, in favour of the principle; but as there are parties praying your Lordships to be heard by counsel against the Bill—though I must say they are not in time, for they ought to have asked to be heard before the second reading. [A noble LORD: This is the second reading.] Oh, very well! What I want to propose to my noble Friend is this—as there are some objections to the Bill, and as I myself am not satisfied with certain of its provisions, I would propose that we should postpone the second reading until after Easter, in order that, meanwhile, we should see what alterations can be made in the Bill, so that it may pass unanimously and without discussion. I am most strenuous for the principle, as I said before; but there are a variety of details which I should like to see amended.

The EARL of ELDON: I hope the noble Lord on the Woolsack will be prepared to assent to this suggestion. Your Lordships will remember how strong was the opposition to this measure on the part of the civic companies last year; and I must say that, from all I can see, their feeling towards it is still more hostile this year. I have two petitions to present to your Lordships upon the subject — one from the Worshipful Company of Coopers, praying that the Bill may not pass at all; the other from the Worshipful Company of Merchant Tailors, giving at length their reasons in opposition to the measure—reasons which apply, to a great extent, to all the other companies. My Lords, they say that by compelling them to submit their accounts and deeds to the inspection of a Commission, you will put a check upon the exercise of charity, for that at present they contribute in aid of the charity funds at their disposal from the resources of other estates not held by them for charitable purposes, the particulars of which estates they will not be inclined to submit to Government inquiry. That, my Lords, is an objection which I consider very well founded; and I hope your Lordships will feel that you have no right to interfere with companies which have, under their charters, power to manage their own funds—who apply the funds which charitable persons have left at their disposal to members of their own bodies who may be in distress—who in every way satisfy the great community who constitute their respective companies that the trust is properly administered—and who have, and can show that they have, sufficient funds at their disposal to stand before the Lord Chancellor as respondents in any suit that may be brought against them. These petitioners complain, my Lords, that a heavy tax—3*d.* in the 1*l.* in some cases, and 1½*d.* in the 1*l.* in others—is to be levied on the funds of charitable estates, and they think they ought not to be subjected to such a tax. I am prepared to say, that as far as such bodies may desire to be exempted, I think this House ought to exempt them from the operation of this Bill; and I concur with the noble Lord opposite (Lord Brougham) in hoping that such exceptions and alterations will be made in the Bill as may enable us to pass it without opposition on its third reading.

The LORD CHANCELLOR: I do not understand what the noble Earl means by saying that this Bill is more unfavourable to the petitioners than the Bill of last year. My Lords, the Bills are identical. The only difference in the present Bill from the Bill of last year is the exemption of the Universities from its operation. In all other respects the present Bill is precisely the same as the Bill of last Session.

The EARL of ELDON: Precisely?

The LORD CHANCELLOR: Precisely the same. Previous to the discussion of last year, this Bill was referred by your Lordships to a Committee upstairs. That Committee was not merely of a formal character. There was a strict attendance day by day. All the Law Lords attended it; several of the Bishops, including the venerable Metropolitan, took a warm interest in it; many alterations were made in it, and it ultimately passed your Lordships without comment. It went down to the other House of Parliament; but, in conse-

quence of the delay which had occurred in discussing it before your Lordships' Committee, it was found to be too late to pass it through that House during the last Session. I do not see, therefore, the necessity for again submitting this measure to consideration; but, if such is your Lordships' pleasure, I have no objection to reconsider any clause in it which may be objected to, or to refer it to a Select Committee again, if it should be so wished. There is a slight alteration in the Bill with regard to the constitution of the tribunal for appointing trustees in municipal charities. I do not know that it is material; but if it is your Lordships' opinion that the Bill on this point should be reconsidered, I shall not object to postpone the second reading.

The EARL of ELDON: I only wish to remark, that the noble Lord has misunderstood me. I did not say that this Bill was more injurious to civic companies than the Bill of last year, but that their hostility to it was, if possible, even more decided. What I wish to urge is, that they should be excepted from the operation of the Bill.

The LORD CHANCELLOR: The question of exceptions was well considered last year, and the Committee came to the unanimous decision that there should be no exceptions whatever. I cannot, therefore, entertain the noble Lord's suggestion, to make exceptions from its operation.

LORD COTTENHAM: My Lords, I cannot, of course, oppose the alteration which appears in the present Bill, and to which my noble Friend on the Woolsack has referred, for it is consistent with the proposal which I myself made upon the Bill going through its second reading last year; but if I am to understand that this Bill is, with that single exception, to be passed in the same shape as it was passed last year, I shall feel it to be my duty to propose to your Lordships that it be rejected altogether. I must say, my Lords, that my objections to parts of it are very strong. I shall not go into them now, as I understand that the second reading is to be adjourned in order that the Bill may be altered; and, of course, I shall be better prepared to give an opinion upon it when we see the alterations which may be made. I would remark, however, that it does not follow, because the Bill passed unanimously through the Committee, that it should pass equally unanimously through this House.

LORD BROUGHAM: My Lords, I will not say that my noble Friend is bound by the fact of this Bill having passed without dissent last year to give it his support at present; for, since last year, he has had more time to consider of it—he has been refreshed by a summer's and winter's rest—and he now comes to us, "like a giant refreshed," to give us new views which, during the interval, he has adopted. But, my Lords, I must say that I hope my noble Friend will not oppose the Bill—it is a most important Bill—I can see no objection to it; and as to the argument of the noble Earl opposite, that it would stop charity, I never was so astonished in my life than in hearing such an argument. Why should it stop charity? Why should it? Because it stops the inducements to abuse? My Lords, I thought the very best reason that could be urged for contributing to a charity was, that the funds of the charity could not be misapplied.

LORD COTTENHAM: If the noble Lord will be so good as to recollect, I did oppose the Bill last year.

The LORD CHANCELLOR: My noble Friend did not divide the House. He took part in the discussion, and urged some objections to the details, but he did not divide the House.

The MARQUESS OF SALISBURY: I must say that there seems to me to be a great slur thrown upon public companies and on administrators by this Bill.

LORD CAMPBELL: My Lord, this being a proposal to put off the second reading of the Bill, in order that it may be further considered and amended, I certainly cannot oppose it. But it is very extraordinary. I certainly remember nothing like it. This Bill was introduced in 1844. We then had abundant opportunity to consider it. It was re-introduced last Session, and presented to us in what the noble Lord then considered a very perfect form. He brings it forward this year in a form, if possible, still more perfect; but nevertheles, now, when the second reading is about to be proposed, on the very eve of the Easter recess, at the suggestion of my noble Friend (Lord Brougham) who sometimes sits here, but whom I now see near the Woolsack, he proposes a further adjournment of the measure, that we may again consider it. My Lords, the noble Lord ought at once entirely to abandon this Bill. I cannot concur in the suggestion that this Bill, as it stands at present, can be improved. I suggest to the noble Lord to confine the operation of the Bill to charities of small amount, which cannot

afford the expense of an application to the Court of Chancery. In that I will honestly support him. There are a great number of charities of no more value than 100*l.* a year; and to apply to the Court of Chancery, under present circumstances, with respect to charities of that value, is to open the door to a great abuse of those charities. There is no tribunal from which redress in the cases of such charities can be cheaply obtained; and I would wipe away that reproach from our jurisprudence. But the income of the charities of England to which this Bill applies amounts to no less than 1,500,000*l.* a year; and to subject all these charities to the inspection of a Commission—to subject their property to a tax for the support of a Commission—to subject the trustees of the donors to the inquisition of a Commission—that, my Lords, I will strenuously resist. My Lords, when the Court of Chancery can be applied to, it is, beyond doubt, the best tribunal to which, in these cases, we can possibly resort. Instead of overthrowing its powers, let us try to simplify and cheapen the process of that Court; but do not let us create an arbitrary, despotic, irresponsible, and expensive power to supersede trustees, and under that sway to affect the political power of boroughs returning representatives to Parliament. To that course I am strenuously opposed. I expressed the same views upon the subject last Session; and I now repeat, that if the noble Lord will dismiss that part of the Bill which subjects great corporations to the authority of a Commission—if he will dismiss that part of it which enables Commissioners to interfere with trustees, and that part which gives a power over charities vested in municipal bodies, I will support him in his endeavour to simplify and cheapen the process by which interference may be obtained in the cases of charitable trusts. But I will not support the machinery which this Bill seeks to create; and to the measure, indeed, in its present shape, I shall feel bound to give my most strenuous opposition.

Lord BROUGHAM: My noble Friend is mistaken when he says that this is an unheard-of proceeding to put off a measure in order that it may be further considered. The Bill will pass with less opposition if time is given us to consider, not its principle, for that has been amply considered, but some of its little details, which there has been at present no opportunity to discuss. I have never had an opportunity to consult my noble Friend on the Woolsack for one moment on this subject. My noble Friend requires rest in the autumn and winter as well as the rest of us. He goes out of town, and so do I, and we never meet again until Parliament calls us together; and since the present Session commenced, we have been so busy in your Lordships' House every morning, that really my noble Friend and I have not had a single opportunity to confer together, even for one moment, upon the subject. My Lords, I must say that I am quite astonished to hear the misrepresentations which have been made of the scope and tendency of this Bill. I could not have believed that my noble Friend who spoke last could have been addressing himself to the same measure. Why, the operation of this Bill is confined to small charities.

Lord CAMPBELL: No, no!

Lord BROUGHAM: But it is.

Lord CAMPBELL: No, no! You cannot have read the Bill.

Lord BROUGHAM: But I have read the Bill, and I know that the Bill is extended to all charities for certain other purposes, but not for administrative—not for judicial purposes. It gives no jurisdiction over large charities, though it gives a power of inquiry into their affairs. And what is the objection to that? Did not my Charity Commission—a Commission for inquiry—extend to all charities? Who objected to that? My Lords, the fact is—I know it well, no one better—that there are companies who dread the light! I will not say, "who dread the light" "because their deeds are evil," for perhaps their deeds are less "evil" than "hospitable." We all know their hospitality. I have partaken of it; my noble Friend (Lord Campbell) has partaken of it; and so, I dare say, has my noble Friend on the Woolsack. But they dread inquiry. I knew one great body in the city from which a man received 600*l.* per annum. He had gone back in the world—had been less fortunate than he ought, perhaps, to have been, and he received from the Irish property of the Bridge House Estate the very liberal pension of 600*l.* per annum. As far, my Lords, as applies to inquiry and to the correction of abuse, this Bill applies to all charitable estates equally; but as respects jurisdiction, it is confined to small charities which cannot afford the cost and charge of suits in equity. As to inspection, it applies equally to all, as I said before; and I cannot conceive why

there should not be such inspection now, just as there has been inspection before. But I am only anticipating the discussion on the Bill, which it is proposed, at my own suggestion, to postpone.

LORD CAMPBELL: My Lords, I only wish to point out to the noble Lord that by the first section of this Bill a power is given to the Commissioners proposed to be constituted, over all charitable estates of every description, and for whatever purposes. They are to have even the power to order the sale, mortgage, or exchange of their lands.

The LORD CHANCELLOR: My Lords, this is a very extraordinary thing. The object and purpose of this Bill is to secure the better administration of small charitable trusts. Its intent is to do justice where justice cannot now be done, in the cases, namely, of small charities; and, with regard to other charities to give a power of inquiry into their receipts, and the manner in which they are applied, not with a view to correct abuses, but in the conviction that, by requiring them to render periodical accounts, abuses will be checked; and that, by affording an opportunity of exposure, others will be enabled to ascertain the real facts, in order that, if requisite, proceedings may be instituted in the Court of Chancery, by which due correction might be applied. No other powers are to be given by this Bill excepting only that single power of sale, mortgage, or exchange of lands, to which my noble Friend has adverted. And what is that power? A power, my Lords, for the benefit of the charities themselves. If they want to lease, to sell, or to exchange lands for the benefit of the trust, they will, under this Bill, have the power of doing so at a moderate cost, instead of being forced to go into the Court of Chancery at a cost so great that, except in some special cases, it is impossible that an application for the purpose can be made. And what grounds are there for complaining of the Bill? What, my Lords, are the trustees of charities but public officers invested with public powers and public duties? Are they to be afraid of investigation? I should have thought, my Lords, they would have been glad to court inquiry. It would free them from suspicions founded upon vague and indistinct charges: if they unfold their accounts, show how their funds are applied, and satisfy every man that they are acting properly, what can be more desirable for themselves? Then, my Lords, as to another point. An objection is taken to the proposed appointment of the trustees of municipal charities. It is argued that there is a party object in this arrangement, and that Commissioners will be more likely to be influenced by such considerations than the Masters in Chancery. I am sure your Lordships will be of opinion there is no just ground for this objection. How are the trustees appointed now? By application to a Master in Chancery, who reports to the Lord Chancellor the names of the parties whom he may deem fit and proper for the office. I admit that the masters have performed their duties fairly and properly. I do not mean to surmise that in any single appointment the Masters have been influenced in the performance of their duties by any base or political motive; but I must say that there is no better security against such motives under the present system than there will be under the proposed Commission. If this Bill pass, the trusteess of municipal charities will be appointed by the Commissioners. The Commissioners will hold their office independently of the Crown, and during good behaviour, *durante se bene gesserit;* and if persons properly qualified are placed in those offices, may you not expect perfect reliance to be placed on the due performance of their duties? In point of responsibility and independence, they will be on an equal footing with the Masters in Chancery. What foundation is there, then, for this charge? Why, my, Lords, I recollected that it was urged, on a former occasion, that we did not go far enough in this matter. These are principles of the Bill. I will not go into details; if I did, I might show your Lordships such "a case," that no honest man could refuse to pass it. But I have yielded to the suggestion of my noble Friend; I will defer the discussion. I do not know that any inconvenience will arise from the delay. I will confer with my noble Friend on the matters of detail about which he has a doubt. I am most desirous, as he is, that the measure should be carried through Parliament, and I am ready to make any personal sacrifice for that purpose.

LORD COTTENHAM: My Lords, it has been said of this Bill, that it gives a power to a body of Commissioners greater than is given to the Court of Chancery. My Lords, I say it does a great deal more. The Parliament itself has never exercised such powers. No Act of Parliament ever gave such authority as will be given to these Commissioners. They are to have a power

of selling trust property—of diverting trust funds from their original purposes, without regard to the intentions of the founders, without regard to the doctrine of *cy-près!* The noble Lord thinks that he has made out the case of this Bill by telling us, that the judicial powers of the Commissioners will, under its provisions, be limited to the smaller charities. Has he maintained that principle with regard to charities in the hands of the municipal corporations? No. But if the Commissioners are to have power only over the smaller charities which are in the hands of private trustees, why should not their powers be limited to the smaller charities in the hands of the municipal corporations? Why, my Lords, they can at once swamp all the trustees of municipal charities. Perhaps the noble Lord will explain to us why that is? But to pursue the discussion further would be an evil only second to the reading of the Bill itself.

The LORD CHANCELLOR: I will give the noble Lord the explanation he requires. The power of appointing trustees in municipal cases is given to the Commissioners, because it is necessary to fill up vacancies. I listen with great difficulty to an application of this sort, and I have never filled up a vacancy in a body of trustees of a municipal charity until it was absolutely necessary; and why? Because, my Lords, of the cost. In the Hereford case there were seven or eight vacancies to fill up; and what do your Lordships suppose were the taxed costs of the proceeding? Upwards of 700*l.*! And when it is recollected that applications of this sort must be made in consequence of deaths at intervals of every few years, I must beg you to look at the tax which is thereby imposed on the charity funds. That is the reason why I have applied this principle to municipal corporations as to the appointment of charity trustees. Why, the original appointment of trustees in the Shrewsbury case cost more than 500*l.* In the Salisbury case it exceeded 400*l.* In the Exeter case the cost was between 600*l.* and 700*l.* These sums, added together, would be sufficient to found a new charity. Is not this, I ask, an abuse for which the Legislature ought to find a remedy? I shall not presume that any one supposes that I want, by this Bill, to secure an ill-gotten power for myself or for any of my Colleagues. I know that my conduct is open to no such imputation. It is a matter in which the Court of Chancery is interested, and as such alone I treat it.

Lord COTTENHAM: I must venture to vindicate the Court of Chancery from the noble Lord's aspersion. The proceedings before the Lord Chancellor certainly, in the cases of several charities, cost a large sum; but those proceedings were not of a simple character, as was, indeed, explained by the Master in his examination before the Committee. The corporations who administered these charities had different funds at their disposal: they had not taken care to keep separate accounts of the receipt and application of such funds, and great expense accordingly arose in distinguishing which was the charity property and which was not.

The LORD CHANCELLOR: I recollect what Master Brougham said before the Committee. He stated that in one case 700*l.* was spent in litigation out of the charity estate. It was the Norwich case; and in the Norwich case no such question arose.

Lord COTTENHAM: I do not know what Master Brougham might have said, but I know that in the Norwich case there were several important questions for consideration, and which, but for the decision in this form, would have involved them in still more expensive litigation.

Viscount STRANGFORD: My Lords, I was to have had the honour of presenting a petition to your Lordships upon this subject from a very important body; but from some accident or another, it has not reached me at the House. It prayed your Lordships that the petitioners might be heard against the Bill. It was from the Worshipful Company of Skinners.

The Earl of ELDON: I think I may congratulate your Lordships upon what has passed, for I hope that advantage will be taken of the delay which will now be occasioned to strike out of the Bill all its objectionable clauses. I will now lay on the Table the petitions to which I previously adverted.

Second Reading postponed until after the Easter recess.

House adjourned.

HOUSE OF COMMONS,

Friday, March 27, 1846.

Minutes.] Public Bills.—1° Administration of Criminal Justice.

2° Corn Importation.

Reported. Indemnity.

3° and passed. Burghs (Scotland).

Petitions Presented. By Mr. Bulkeley Hughes, from Parishioners of Llanfihangel-y-pennant, and by Mr. Robert Palmer, from Inhabitants of the Deanery of Fairford, against the Union of St. Asaph and Bangor Dioceses.—By

Viscount Barrington, from Francis Soames and Joseph Binfield, Churchwardens of the Parish of Wokingham, complaining of the State of the Church.—By Mr. Hayter, from Inhabitants of the City of Wells, for the Total and Immediate Repeal of the Corn Laws.—By Mr. P. Bennet and Lord Worsley, from several places, against the proposed Government Measure respecting Customs and Corn Importation.—By Sir Robert Peel, from Merchants, Bankers, and others, of the Port of Bristol, in favour of the Customs' Duties and Corn Importation Bills.—By Mr. Gibson Craig, from Directors of the Chamber of Commerce and Manufactures of the City of Edinburgh, for a Reduction of Duty on Timber.—By Mr. Aglionby, Mr. Archbold, and Mr. Rashleigh, for Limiting the Hours of Labour of Children and Young Persons employed in Factories to Ten.—By Mr. Mackinnon, from Inhabitants of Wolverhampton, for Sanatory Regulations.—By Mr. Gibson Craig, from the Chamber of Commerce and Manufactures of the City of Edinburgh, against the Joint Stock Banks (Ireland and Scotland) Bill.—By Captain Gladstone, from Guardians of the Poor of Ipswich Union, against the Poor Removal Bill.—By Mr. Hayter, from Inhabitants of the Borough of Southwark, for a Metropolitan Railway Commission.

THE GOVERNMENT MEASURES.

Mr. NEWDEGATE wished to ask the right hon. Gentleman the First Lord of the Treasury whether it was his intention to introduce a Bill to afford facilities for draining estates, and for consolidating the highway expenditure? Also, whether it was the intention of Her Majesty's Government to provide for the payment of the schoolmasters of union workhouses, and for the Irish constabulary force, these being the measures which the right hon. Gentleman announced at the commencement of the Session as forming part of the five measures he intended to propose for the consideration of the House, upon the subject of legislation for Ireland?

Sir R. PEEL said, that with respect to the last two points to which the hon. Gentleman had adverted, namely, a provision for the payment of schoolmasters of union workhouses, and for defraying, at the public charge, the expenses of the constabulary in Ireland, provision must be made for these in a Committee of Supply. It would be impossible to bring in a Bill until Votes had passed such a Committee. But at an early period after a Committee had sanctioned the proposal, a Bill would be introduced upon those two subjects. With regard to the other two points—the Drainage Bill, and the Bill for consolidating the Highway Trusts—he was sure the hon. Gentleman and the House must be aware of the extreme pressure upon the time of Her Majesty's Government for a long while past. There was no intentional delay on their part. The announcement of these measures led to a great number of suggestions and communications. The Government had applied all their leisure time in considering the details of these subjects, and he hoped by this day week they should be able to lay the Bills on the Table, at least he would make exertion to do so.

CUSTOMS AND CORN IMPORTATION REPORT.

On the Question, that the Order of the Day be read,

Mr. COBDEN said, he had to present a petition from a number of tenant-farmers on the Netherby estate, in Cumberland. They expressed their conviction that the measures proposed by Government were most important, and stated that they viewed them with the greatest satisfaction; though they could not refrain from adding that total and immediate repeal of the Corn Laws would have met with their more hearty approbation. The noble Lord the Member for Lynn (Lord G. Bentinck) had recently presented a petition from the same quarter, signed by 3,000 farmers and others, against the removal of the existing protection; but he (Mr. Cobden) was glad to congratulate the right hon. Baronet opposite (Sir J. Graham) on the fact that all his tenants were not of the same way of thinking on this important question.

Order of the Day read,

Sir J. GRAHAM said: I can assure you, Sir, and the House, that I am very unwilling to prolong this protracted debate, which I believe the country at large sincerely desires to see terminated by some decision of this House, be that decision what it may; but having failed in the course of last evening to obtain that opportunity of addressing you which I was desirous of taking, I do not think it would be proper that this discussion should terminate without adverting to some of the observations and arguments which have been used in the course of this debate. I cannot pass over without notice the petition that has just been presented by the hon. Member for Stockport; and I can assure the House that I was not cognizant either of that petition, or of the petition which was presented on a former occasion by the noble Lord the Member for Lynn (Lord G. Bentinck), from a portion of my tenantry taking opposite views on the same question. It is needless for me to assure the House that, neither directly nor indirectly, by myself nor by any of my agents, have I interfered, in the slightest or the most remote degree, with the expression of the opinions of my tenantry on this subject. I have left them,

on this as on other occasions, to exercise their own free judgments; feeling that they, as tenants, have as deep an interest in this matter as I have as a landlord, and that they, equally with myself, are entitled to pursue the course which is dictated by their honest convictions. Now, Sir, I shall proceed, with the permission of the House, at once to advert to the speech which closed the debate of last night: I allude to the speech of the noble Lord (Lord G. Bentinck) the Member for Lynn. I will first dispose of the peroration of that speech by one remark. It appeared to me that the concluding part of the noble Lord's speech, stripped of all the metaphor which encumbered it, consisted almost entirely of that personal invective which, I must say, has marked the greater portion of the speeches which have been delivered on this side of the House against the measures which Her Majesty's Ministers propose. Now, Sir, having frankly avowed a great change in my own opinion on this subject, I will not be guilty of the impropriety—I might say, of the impertinence—of commenting with anything like undue severity upon the eager and tenacious maintenance, on the part of Gentlemen sitting on this side of the House, of the opinions which I sincerely and honestly entertained, in common with them, and which, till a very late period, I advocated with equal warmth and zeal. Neither, Sir, shall I say—for I could not say it with truth—that I am not deeply grieved by the loss of confidence and esteem, on the part of several hon. Members with whom I have acted for many years, and on whose support and friendship in trying circumstances I have often relied, and never relied in vain. I must add, however, Sir, that when I made up my mind, under a deep sense of public duty, to act in concert with my right hon. Friend at the head of the Government, and, upon considerations of public necessity, as it appeared to me, to present this measure to Parliament, as a servant of the Crown, I anticipated, and I foresaw with pain, all that has taken place on the present occasion with reference to the conduct of hon. Members on this side of the House. I counted the cost of the sacrifice which necessity and sense of duty compelled me to make. I was prepared, and I am prepared on public grounds, regardless of all taunts, regardless of all obloquy which may be heaped upon me, acting from a deep sense of what is due to the public, to set aside all personal considerations, and join in the advocacy of a measure which in my conscience I believe to be necessary for the public good. And although it would be affectation in me to dissemble the fact, that I am deeply moved by many things which have been said by Gentlemen in the course of the debate—by Gentlemen whose good opinion I highly value; yet, steadily, firmly, and fearlessly, I hope to be enabled to discharge that public duty which I have undertaken. I shall unflinchingly persevere in my course; and I am consoled by this single reflection, that, in my belief, the time is not far distant when the country gentlemen of England will be satisfied that Her Majesty's Government has not betrayed their interests, and that their welfare and prosperity will hereafter be reconciled, in fact and in opinion, with the interests of the great body of the community, whose peace, whose contentment, whose more easy means of existence, it is the object of the Bill to promote; and I conscientiously believe that this measure, if it receive the sanction of Parliament, will not fail to accomplish this great end. Now, Sir, allow me to advert to some of the arguments which have been produced by the noble Lord the Member for Lynn, in opposition to this measure. I may be wrong, but, certainly it does occur to me that the arguments which the noble Lord adduced against this measure are precisely the arguments—the most cogent, the most convincing, the most unanswerable—which the opponents of the sliding-scale, from time to time, have urged against its continuance. I will begin with the first position taken up by the noble Lord. He is very anxious to obtain some opinion from the Treasury bench; and, failing the statement of any such opinion from that quarter, he speculates himself as to what will be the price of wheat under a free trade in corn: and, with a view of forming an estimate of this price, he went, last night, through this very extraordinary process. He took the years 1835 and 1836, when the price of wheat in England was remarkably low; the price in 1836 being, I think, about 45*s.* a quarter, and the price in 1835 being 39*s.* a quarter; and then, in those circumstances, he takes the price of wheat on the Continent in these two years, and estimates from that by simply adding the amount of freight, and charges the price at which it might have been brought here, and sold at a profit. Now, observe, one great argument, against our restrictive Corn Law, is derived from its influence on the corn trade on the continent of Europe,

arising from the unsteadiness of our demand; for, in varying times and varying seasons, the demand is most unequal and uncertain. It is quite clear, from long experience, that the price of wheat on the continent of Europe, mainly depends on the demand for it in the British market. The price in 1835 and 1836 being unusually low in England, the accustomed effect was produced on the Continent. There was a glut in the foreign market owing to the absence of any British demand. Our supply was drawn from our own resources; the price was low; the complete suspension of the importation from abroad, acted upon and reduced the price on the Continent; and, under those circumstances, and from those premises, the noble Lord draws the inference that the price at which wheat may be imported and sold in this country, is somewhere about 30*s.* per quarter. I leave it to the House to say whether it be a safe inference from these premises, that, *communibus annis*, 30*s.* per quarter, would be the price of wheat in England. As it appears to me, the great argument in favour of a steady annual demand of wheat from the continent of Europe, in aid of the deficiency of our own supply, is this—that in the present circumstances of this country, from the large and increasing number of our population, with the difficulty of finding them a supply of food from home-growth annually increasing, the demand for corn from abroad will also annually increase; and the effect will be, not so much to lower the price of corn in this country, as to raise the price on the continent of Europe, thereby equalising the demand here and abroad, and thus effecting this great object, giving security to the people of England, even in years of deficiency, against any sudden or extravagant rise of price, while, at the same time, the price of corn will be raised on the Continent. Our commercial rivals will thus have an extended trade with England, but will exchange their corn for those commodities which we can manufacture more cheaply than themselves. Thus, their competition with our manufactures will be discouraged, by the price of corn being raised in their markets, which is a great object with the manufacturing interest of this country to effect. We shall secure steadiness of price here, and we shall also take precautions for ensuring a moderate price. I repeat, in the absence of any British demand, in the years 1835 and 1836, the price of wheat in those years, so far from forming any groundwork by which to estimate the price that would prevail under a system of free importation, is only a proof of the evil resulting from the uncertainty of our demand in foreign markets, and of the effects of that uncertainty, which indisposed the northern Powers of the continent of Europe to any friendly commercial relations with this country. The noble Lord then proceeded to argue with reference to steadiness of price; and he produced a table which again, I think, remarkably illustrates another great defect which the enemies of the sliding-scale have alleged to be inherent in our present system of Corn Laws. The noble Lord demonstrated, by tables which he produced, more clearly than I have ever yet seen it shown, that the great fluctuations in the price of corn on the Continent, do depend upon the demand from England for that commodity, which under the sliding-scale, is a varying demand. The noble Lord has produced a table of fluctuations, which shows most unequivocally, that exactly in proportion to the proximity of England, and to the demand at uncertain periods, from England, in certain ports of the Continent, for wheat, in exactly that proportion have been the fluctuations in price in those foreign ports. It would appear from this document that the fluctuations have been greatest at Antwerp, Amsterdam, Dantzic, Hamburgh, and Odessa, which are the ports whence we draw most of our required supplies; and, to complete the demonstration, the noble Lord dwelt upon the fact, that at Bordeaux the fluctuation had been the least; when it is quite notorious that with France we have scarcely any corn trade whatever, and consequently the effect of our irregular demand would not be felt there. Next to Bordeaux, it appeared the fluctuation has been least in New York; the reason being that the American corn trade has been exposed to peculiar difficulty with respect to this country; for the distance, added to the uncertainty of the market, has prevented our varying demands from much influencing that market. Now, the inference which I should say was to be drawn from this is, that the fluctuations in the foreign market are in a very great degree attributable to the uncertainty of the British demand. What is the consequence of this state of foreign trade? We convert our natural and best customers, not only into commercial rivals, but into commercial enemies. When they have an abundance of corn, if the harvest has

been good here also, their markets are glutted; they have a superabundant supply, and can only obtain a very low price for their grain. The ruin of the grower is then the consequence. When there is a deficient supply abroad, should the supply have been short here also, we tender extravagantly high prices for their corn, and draw from them our supplies, at great inconvenience to them, and at the risk of involving them in want: the starving of the foreign consumer then ensues; and so they come to the conclusion that, upon the whole, considering the uncertainty of our corn trade, that it is one on which they can place no reliance, and are much better without it. They accordingly meet us with hostile tariffs; they impose high duties upon our manufactures; and, hitherto, they have not only relinquished our corn trade in despair, as not only not conducive to their interests, but they have regarded it as inconsistent with their national safety and welfare. Then I repeat that the effect produced by our Corn Law legislation has tended to create fluctuations in the markets of the Continent; and this has appeared to me amongst the strongest reasons why the system should be altered. The noble Lord proceeded to comment upon what he called the evenness of price in England, since the alteration of the law in the year 1842. I have already stated to the House that that very evenness of price, in the present year, appears to me to be delusive. There certainly does appear, from the averages as now taken, an evenness of price. But what is the fact? It is notorious that in no year, I believe not within the memory of the oldest farmer, has there been such an inequality in respect to the quality of the grain itself, as there is in the present year. I believe I am not exaggerating when I say, that the price of the wheat of last year varies from 48*s.* up to 72*s.* a quarter. But while this variation in the market prices exists, it is not shown in the averages by which the duty is regulated, the sliding-scale being in this respect not to be relied upon; it leads, in fact, to false conclusions, and operates imperfectly in great national emergencies, and hence an alteration of that scale has become absolutely necessary. Then the noble Lord made another observation incidental to his main argument—that he was sorry to observe that the importations of foreign grain, when they did take place, were generally in foreign ships. Again, I say, this is one of the leading objections to the sliding-scale. Owing to the unsteadiness of its operation, and the extreme uncertainty of what may be the amount of duty on the arrival of a cargo of wheat in our ports, our merchants do not choose year by year to engage in so hazardous a traffic. When the time of scarcity comes, however, not a moment is to be lost in despatching ships laden with grain; we cannot wait for our own ships to go and fetch it; and, owing to their employment in other trades, they are not to be had. There is no alternative but to take any ship that offers; and from the foreign ports foreign ships are necessarily sent. The noble Lord has observed, that the freight in British ships is higher than in foreign ships. This is a consequence of the uncertainty of the demand; and thus the importation takes place more usually in foreign than in British ships. And this circumstance to which the noble Lord referred, the encouragement to foreign, and discouragement to British shipping, is one among many reasons why the existing law has been condemned by its opponents. The noble Lord then proceeded to state that the farmers look with dread and consternation on this measure. The petition which has been this evening presented by the hon. Member for Stockport, has clearly shown that all farmers do not so regard it. But the hon. Member for Huntingdonshire (Mr. Fellowes) has said, that if these protective laws were removed, nearly all the land in the Bedford Level would go out of cultivation; and the hon. Gentleman who moved the Amendment (Mr. E. T. Yorke) said, as I understood, that the panic in Cambridgeshire and the Isle of Ely was so great, that drainage had been suspended, and that all agricultural improvement had suddenly been brought to an end. But, Sir, I must observe, that, to the best of my knowledge, the panic which the hon. Member for Cambridgeshire has adverted to, is much more confined within these walls than the hon. Members below the gangway are prepared to admit. All that I have seen and heard on the subject does not lead me to the belief that either landlords or tenants, who are not exposed to the contagious atmosphere of this House, partake of the panic which the hon. Gentlemen describe as being general. We were told, not long ago, by some hon. Gentleman on the opposite side of the House, of a landed proprietor in Somersetshire who had offered to release all his tenants from their existing engagements, should they be under any apprehension as to the effects of the alterations now proposed; and, if I remember right, out

of forty-one tenants who had received the offer so to be released, only six had availed themselves of it. Now, I admit that such a refusal on the part of the tenants is no sure criterion that they are satisfied with their present condition; because tenants have at all times a large capital invested in their farms, and they cannot suddenly withdraw from them without an immense sacrifice. Therefore, I admit, at once, that the refusal to accept such an offer, and to surrender their farms, is no conclusive evidence of their satisfaction with existing or contemplated arrangements. But, having made that admission, I must contend, on the other hand, that where we see farmers entering into fresh contracts for large farms, and commencing great improvements, this is conclusive evidence that there is, on the part of the farmers entering into such contracts, no alarm whatever, as to the probable effects of the measure now under consideration. And as it is a matter of very great importance that the statements of the existence of apprehensions should be refuted, and that no such impression as that spoken of should continue on the public mind, the House will, perhaps, permit me to lay before it some facts which have come within the range of my own observation. If I were called on to mention the farmers of Great Britain most distinguished for sagacity, skill, and intelligence, I should assuredly name, without hesitation, the farmers of the East Lothian of Scotland. Now, I have the permission of Lord Belhaven to read to the House a letter, dated February 25th, containing information on this subject. Lord Belhaven writes—

"I have been on a visit to Lord Wemyss for some days, and have had an opportunity of learning the opinions of the East Lothian and Berwickshire farmers to a considerable extent. Lord Wemyss' property in this county is, with one exception, the largest in it; and his factor, a clever sensible man, tells me that there is not a farm in this county or Berwickshire now to let that there are not more offers, and higher offers too, than he ever saw made for them, and by men of skill and capital. I asked how he accounted for this? His answer was, 'the corn question is now considered as settled; and the prospect held out of getting the land drained by the landlords, instead of having to lay out the money themselves as formerly, has created a general feeling of confidence among all intelligent farmers.' One gentleman of this county stated, that on a property in Berwickshire, on which he was trustee, he had five offers from men of known character as first-rate farmers, the amount of which was 10*l.* per cent above the present rent. [This is since the introduction of this Bill by my right hon. Friend.] These are facts which are worth all the arguments one hears, coming, as they do, from the greatest corn-growing district in Scotland."

While reading, I heard somebody behind me refer to East Gloucester. I understand what was meant, and that it had relation to the much-desired dissolution of Parliament. I answer the insinuation by saying, there was an intention to bring forward a protection candidate for East Lothian; but as soon as Mr. Charteris, the late Member for East Gloucester, declared himself a candidate, Sir G. Warrender withdrew his protection candidate; and, I believe, the return of Mr. Charteris for East Lothian, whenever the opportunity occurs, is beyond a doubt. But let me now advert shortly to the Isle of Ely, where the hon. Member informed us that land would be thrown out of cultivation, and where agricultural improvement was suspended. Again, I must be allowed to read a letter, and again I have full permission to use it for the purpose of this discussion. It runs thus:—

"I received a letter from the Duke of Bedford, a day or two ago, with the following postscript:—'I received a letter this morning from my Cambridgeshire steward, to inform me that he had just let two farms for me to very intelligent men, father and son, with ample capital, at an increase of 126*l.* a year on their present rent. The agreement has been made since Peel's measure was introduced.' Such facts as these seem to me to be worth more than hosts of figures and columns of statistics."

The Duke of Bedford has given me leave to make use of this communication, which touches only the rental of land. But what has been the effect of the proposed repeal of the Corn Laws upon the value of the fee-simple? I know several land-surveyors of the highest eminence who were formerly much opposed to the alteration of the system, but who now have avowed their opinion in favour of the change, and who state that they are astonished by the effect produced by what is to be regarded as a virtual settlement of the question: they foresee an immediate augmentation of the value of land. I may notice the instance of an estate in Essex. The hon. Member for Totness is cognizant of the case—the land is within thirty miles of the metropolis — there is no residence upon it—and the rental is about 650*l.* a year. The owner, considering its proximity to London, the increasing traffic by railroads, and other circumstances, was advised to ask thirty-two years' purchase for it; and for three years he has been unable to obtain an offer approaching his price. What is the fact now? Within the last three weeks an offer has been made coming up to his

valuation, and there is every reason to believe that a bargain will be struck. It is very easy for hon. Members opposed to the change of the law to speculate on the disadvantageous effect of it; but I say that a single fact like this scatters to the winds all their gloomy conjectures. If it were true that land would be thrown out of cultivation, would any man out of Bedlam now set about enclosing land? Is the House aware of the working of the Enclosure Commission? By Act of Parliament, passed in the last Session, facilities to enclosure were given on easy terms, and at a small expense; and what have been the proceedings of the Commission within the last few months? What applications have been made for new enclosures? In September last, applications were sent in for the enclosure of 2,298 acres; in October the number of acres sought to be enclosed was 4,588. This was, at the time when strict protection was given to the land, and no alteration of the law was contemplated; but in November there was pregnant evidence of a disposition to propose a material alteration in the Corn Laws. Did that check the disposition for enclosure? The House shall see: the applications were in this proportion:—In October, 4,588 acres; in November, 7,147 acres; in December, 7,205 acres; in January, 5,600 acres; in February, 3,595 acres. [*Cheering.*] Nothing is so imprudent as cheering too soon; and I will show the hon. Members why. In one week of the present month there have been applications for the enclosure of 1,500 acres; and within the last fortnight, from the county of York alone, has been sent in an application for the enclosure of Bowes Moor, a common of inferior land, to no less an extent than 14,000 acres. Does not this show that the hon. Members cheered a little prematurely? Besides, there has been an application from Taunton Dean, Somerset, for the enclosure of 2,500 acres; so that, within the last fortnight, application has been made for the enclosure of no fewer than 16,500 acres. So much for land being thrown out of cultivation. But I must here be permitted to call the attention of the House to a Bill at this moment in progress: it is entitled, "A Bill for enclosing and reclaiming from the Sea certain tracts of land forming part of the great Estuary called the Wash." This is not a question of throwing land out of cultivation—not a question of enclosing waste land—but a question of applying the Dutch principle of scooping land out of the ocean, and, by the application of capital, making that land productive. Whose names are at the back of the Bill? First, I see that of Lord George Bentinck; the second name is that of Viscount Jocelyn; and the third that of Mr. Bagge, the Member for West Norfolk. This Bill, be it remembered, has been brought in in the present year, since the plan of Government with respect to the change in the Corn Laws was well known. [Lord G. Bentinck: It is a notice by a Member.] But here is the Bill itself; and the capital to be invested is no less than 500,000*l.*, with power to borrow 200,000*l.* Then, let us look at the list of subscribers. The first name is that of William George Frederick Scott Bentinck, commonly called Lord George Bentinck; and among the directors I find the names of Lord George Bentinck and Sir H. Folkes, mayor of Lynn for the time being, and others. Now, in a former Session, the rights of the Crown interposed an obstacle; and there was a negotiation between the parties on this point, but the issue was not satisfactory; but here, in this Bill, there is an admission of the rights of the Crown, and there is a clause charging the property of the company with the payment of one per cent to the Crown upon all outlays and expenses, which is expressly stated to be intended as compensation for 30,000 or 40,000 acres. Now, the noble Lord will permit me to put a question to him, which he has often put to my right hon. Friend. What is his estimate of the price of wheat under the new measure? I am well aware that the noble Lord is a great authority on the doctrine of chances; he is a perfect De Moivre in his way, and would no doubt make an excellent Chancellor of the Exchequer; and I want to know what is his calculation as to the future price of wheat, which induces him to take so prominent a part in this remarkable speculation? It is now, Sir, my painful duty to turn to a more serious part of the great question: the House will anticipate that I allude to the state of Ireland. I heard with great pain, and with surprise, the statement of the noble Lord (Lord G. Bentinck), that, in his opinion, which every day's experience confirmed, the potato famine in Ireland was a gross delusion; he said, I think, that a more gross delusion had never been palmed upon the country by any Government; and the noble Lord proceeded to argue that, because the average price of potatoes throughout Ireland was

only 4*d.* a stone, there could not be any famine in that country. Now, I must have failed in my endeavour to show the House what is the real state of Ireland, if it can believe that the average price of potatoes is any criterion of the state of destitution in that country. I may observe, in passing, that 4*d.* a stone in Ireland is nearly double the price of potatoes in ordinary circumstances at this period of the year; and that, when you take the difference between 2*d.* and 4*d.* a stone for potatoes, it is an increase in the price of an article of food of 100 per cent, a difference between plenty and want—I might almost say between life and death. The noble Lord also commented upon the fact of some large imports from Ireland. What is the inference from that? He seems to draw the inference that there is no destitution in Ireland. But it is a consequence of the high price of potatoes in England and Wales, where the failure of the potato crop is almost as great as in Ireland itself. High prices will attract the supplies to the richer from the poorer country, and it is quite sufficient to account for these imports that the growers desire to gain something from the small remnant of the crop whilst it remains good. But the view taken by the noble Lord may have been taken under an imperfect acquaintance with the condition of the country. He is, however, supported by the high authority of an Irish Member, the Member for the University of Dublin, and the Recorder of Dublin, recently returned from Ireland, and who has told the House that the accounts of the scarcity are the grossest exaggerations. [Mr. SHAW: Great exaggerations.] Well, great exaggerations. I hope the House will bear with me if I detain it by reading some extracts upon this point, which assumes an aspect of peculiar importance; for I must confess it was reading these details in October which convinced me then, as I am convinced now, that a discussion of the Corn Laws in the present Session of Parliament was inevitable. The right hon. Gentleman referred to the statements made by Mr. Lindley and Dr. Playfair, in November, consisting, in his opinion, of gross exaggerations. [Mr. SHAW: Great exaggeration.] Great exaggeration! I beg pardon of the right hon. Gentleman: the distinction between gross and great is rather a refinement; that report was made to the Government in November. That report, however, was not the circumstance which first alarmed me. I happened in October to be residing in Cumberland; and I received a letter from the Secretary of the Agricultural Society in Ireland, which includes a great number of the nobility and gentry of the country. Now, that letter which I received from the Secretary of this society was dated October 23, and the House will see how far Dr. Playfair's report (which the right hon. Gentleman accuses of great exaggeration) corresponds with this letter:—

"Sir—I beg leave to send you an extract from a Dublin morning paper, which will give you a correct account of the measures which the council of this society have adopted, respecting the prevailing disease in the potato crop. I beg leave also to state that when I issued a circular about a month since to the secretaries of one hundred and twenty local societies in connexion with the central one, I got several answers from persons stating that the disease was not then apparent in their immediate neighbourhood; but I have since received letters from most of them, stating that, upon digging the crops, they found the disease in almost every quarter, and I may safely say it appeared that there is not a county in Ireland that is not more or less affected by it. Since my return from the cattle show at Ballinasloe my office has been filled with specimens of the diseased potatoes from all quarters. The council of this society have directed their labour to two objects. First, to obtain the latest and most accurate information respecting the actual nature of the disease, in the different localities, through the machinery at our command, and to transmit the same from time to time, to the Irish Government at the Castle. Secondly, to institute the series of experiments within described, under the direction of Professor Kane, for the purpose of deciding upon saving the remnants of the crop, which now undoubtedly appears to be in the greatest jeopardy. The result of these experiments shall be carefully matured and communicated. I shall merely add, Sir, that the greatest panic appears to exist in all parts of the community, and those who know the country best are most puzzled how to act. One thing, however, I think is certain—that enough has already transpired to justify the most prompt and energetic measures on the part of the public and the Government."

An attempt has been made to throw upon Ministers the responsibility of a premature decision on the question; but the right hon. Member himself says that he was much alarmed in October. Was it not then, the duty of Government on the 1st of November to act on the information they had received? They thought it their duty to act with promptitude, and to take into immediate consideration the laws regulating the supply of corn. But what I have read is not all. There came enclosed in the letter I have read a communication from a Colleague of the right hon. Member for Dublin University, Mr. Hamilton, who, on the 18th of October, thus addressed the Irish Agricultural Association in writing:—

"My dear Sir—I am sorry it will not be in my power to attend the special meeting of the council this day. If, as I apprehend, the accounts from the different parts of Ireland concur in represent-

ing the failure in the potato crop as at all general, I think it would be advisable that the council should take means for bringing the subject before the Lord Lieutenant, in the hope that Government might take some steps to make provision against the imminent famine. I am aware that some time since inquiries were made through the constabulary by Government; but the character of the disease is so peculiar, and the mode of its operation so unexpected, that the apparent state of the crop of potatoes a fortnight ago affords very incorrect information as to its real state at the present moment. Probably the council could not do better than to instruct you to prepare a digest of the information which may have come in from the local societies, such as could be presented to Government; and if they were to meet again next week, say on Thursday next, they might then enter into communication with the Government on the subject. I name Thursday, for I think during the next few days, when the people are beginning to dig their crops, much accurate information will reach you; and it is most desirable that when we communicate with Government, the fullest and most accurate information should be afforded to them."

Such was the opinion in October, and I believe that a deputation waited upon the Lord Lieutenant; but the urgency of the case induced the Secretary to address me personally in the letter I have before read. I will now shortly state the more recent information that has reached Her Majesty's Government. The House will not fail to observe that the Recorder of Dublin maintains that a more gross exaggeration was never attempted to be palmed upon the country. Sinking the love of his country in his greater love of truth, this is the position taken by the right hon. and learned Gentleman. I will now read the account we have received from Waterford, dated the 19th of March, addressed by the Commissioner there to the Commissary in chief:—

"The price of potatoes is so high, and they are of so bad a quality, that they are no longer used in the poorhouse here, bread being substituted. Nearly all the potatoes on the quay come in coasting vessels from the county of Wexford, where it appears the soil is sandy, and where the mayor informs me the disease has done very little injury; but the price is 6*d.* per stone of 14lb., which is quite beyond the reach of the poor. I can bear witness to the fact, that in the immediate vicinity of this place a proportion of one-third to one-half —and in some cases the whole—has been found totally injured, fetid, and fit only for the dunghill."

This, I am sure, the House will agree with me in thinking forms a most important part of the documents which I have to lay before them; and I have now to call attention to that which discloses the most formidable portion of the whole evil—namely, the probability that not only the produce of the past year has failed, but the seed deposited in the ground already shows evidence of being tainted.

"Some of the crops of potatoes planted in January have been examined, and the seed has been found to have generally rotted. The ground will most probably be turned up in April, and sown with oats or barley."

I will now, with the permission of the House, direct attention to the condition of the people in the island of Achill. The information derived from that place is founded upon the statements made by an officer of the coast-guard, resident upon the island; his communication is dated the 1st of March, and these are the terms in which he writes:—

"Dear Sir James—I regret to have to report to you a further unfavourable account of the potatoes in this district, in the southern part of which, I may say, they are, literally speaking, totally gone; the peasantry having now discovered, on opening their pits, the true state of them. I witnessed on Friday last that in many, instead of picking them by hand, they actually shovelled them out. On my return from Kule yesterday evening, I found a great number of persons (from fifty to sixty) waiting to complain to me of their misfortunes, which I assure you are great indeed; one person, with a family of six children, stated his crop to be now reduced to about six creels (8 cwt.)."

There are documents on the Table that in my apprehension speak volumes. I allude to the returns from the electoral districts of the Poor Law Unions. We have reports from 2,000 electoral districts belonging to Unions, and these being made up to the 15th of February, state that there is every prospect that the whole of the forthcoming crop will be found to be in a state of decomposition. The House will now, I trust, permit me to read this statement, which is very brief, but, in my opinion, extremely important:—

Proportion of the Potato Crop Lost.	Number of Electoral Divisions in which the annexed Proportions of the Potato Crop were returned lost, condensed from Constabulary Reports of	
	Jan. 15, 1845.	Feb. 15, 1846.
Between 8-10ths and 9-10ths	3	2
„ 7-10ths and 8-10ths	97	125
„ 6-10ths and 7-10ths	124	184
„ 5-10ths and 6-10ths	11	14
„ 4-10ths and 5-10ths	640	673
„ 3-10ths and 4-10ths	613	557
„ 2-10ths and 4-10ths	283	252
„ 1-10th and 2-10ths	156	135
Not exceeding 9-10ths	113	102
No loss	9	6
Not returned	3	2
Total number of Electoral Divisions	2,052	2,052

In the whole, then, of those electoral divisions, more than half of the entire crop has been absolutely destroyed. I am aware how often it is said that there has been no increase of this taint amongst the potatoes; and, therefore, I should wish, if the House will allow me, to advert to some fresh evidence of the fact from another part of Ireland. I find in a letter from Sligo, addressed by Colonel M'Arthur to the Commander in Chief of the Forces in Ireland, which bears date the 14th of March, that the scarcity in that neighbourhood is of the most alarming character. From the statements of Colonel M'Arthur it appears, that the supply of food for the people in the neighbourhood of Sligo, is, at the present time, one-third less than it was at the corresponding period of last year; and that the prices of potatoes in the towns between Sligo and Dublin had risen 25 to 50 per cent, clearly establishing the fact of a deficiency. Accounts from Carrick-on-Suir, dated the 1st of March, give the same melancholy feature of the existing state of things; and prove, beyond a doubt, that the progress of the rot is in every point of view most alarming. In one case there were 1,500 barrels of potatoes in pits; and, with the exception of two barrels, they were all putrid. I now propose to read an extract or two from the report of a meeting which took place in the county of Cork, when Lord Mountcashel presided. At that meeting the following resolution was adopted:—

"Resolved—That the local committees be requested to use their utmost diligence in ascertaining the funds necessary to support the people in their respective districts, until the 10th day of August next; and that the landlords be called upon to meet the exigencies of the case by subscribing a rational proportion, according to the value of their respective estates, based on the Poor Law valuation."

What follows is a quotation of a letter from Lord Mountcashel's agent, addressed to Lord Mountcashel, and dated from Fermoy, 16th March, and read at the same meeting:—

"My Lord—I have examined the potatoes in the pits, and find them getting worse every day since the beginning of the month—I may say, nearly one-third gone. On examining those in the lofts, I find them worse than those in the pits—nearly one-half gone. I am sorry to say, on examining four different kinds, planted on the 13th of February and following days, they are getting into a state of decay faster than the above; even those shooting out are puny and stunted. If all now growing come to maturing, they will not be above one-third of a crop.

D. M. Kissick."

At this meeting the following observations were made:—

"This was very serious indeed, and brought them to the consideration of the future. What was to become of them next year? It would appear that the potatoes were gone. If they planted rotten potatoes, they would not grow; and the consequence would be, the total failure next year of what the Irish people depended on for food."

I do not wish to prolong the present discussion by referring to any more documents; but I have before me one statement from Mountmellick, which I cannot refrain from reading to the House. It consists of resolutions agreed to at a meeting of the board of guardians, held on Friday, March 20:—

"That at the meeting of the board this day, a number of decent poor married women made application for relief; their families amounted to the number of eighty human beings, without food or sufficient employment; those poor people have houses or cabins, and if their whole families were to accept of temporary relief in the workhouse, their residences and furniture would be lost to them. Feeling the pressure of want and destitution now so general in this populous town and neighbourhood, we feel it our bounden duty to bring this matter under the consideration of the Executive Government and the Poor Law Commissioners, in order that some mode may be devised or pointed out whereby relief may be given by a supply of cheap food, either gratuitously, or at a cheap rate, to meet the present exigency. The poor persons who applied to the board this day, form but a very small portion of those who we know are now in great distress, and actually subsisting on food made from the wash of a starch yard; only suited for, and considered indifferent, food for pigs."

[Mr. Shaw: What has that to do with potatoes?] The right hon. Gentleman asks what has this to do with the potato disease? I think it has very much to do with the destitution of a starving people. Does the right hon. Gentleman really mean, after hearing these statements, that it is a great exaggeration to say that the potatoes are diseased and deficient in many localities in Ireland, when we have such representations as this, that people are actually existing on food taken from the wash of a starch yard? Now, let us try it by another test. The Lord Lieutenant, on Monday last, received a deputation from the city of Limerick. That is a wealthy place—no small district—but a city containing an immense number of inhabitants; and what is the representation of that deputation? It consisted of the Mayor of Limerick, the Dean of Limerick, Sir David Roche, and Mr. Marshall, and they said that the destitution of Limerick and the neighbourhood, arising from the diseased and deficient crop of potatoes, was extreme; and that statement was confirmed by Lord Clare, who resided

in the neighbourhood of Limerick. They said that the destitution was so great, that they found it necessary to raise a subscription, which then amounted to 500*l.*, to rescue the poor inhabitants from actual starvation; and they earnestly represented to the Lord Lieutenant, that unless his Excellency would consent to contribute towards the alleviation of that distress, the most fatal consequences were to be apprehended. Now mark, this has occurred in the month of March. Spring has not far advanced; but already we see a deputation from the city of Limerick coming before the Lord Lieutenant, and imploring for a dole out of the public purse to save the people from absolute starvation; and yet the right hon. Gentleman the Member for the University of Dublin stands up and gravely assures us that the exaggeration has been very great. This the right hon. Gentleman asserted; but he at the same time stated, what I think ought to be borne in mind, that at this time of the year fever, dysentery, and in some cases famine itself, was always to be found in Ireland to some extent. That, I grieve to say, is true; and so true, that the right hon. Gentleman acts on his deep convictions on this subject, although he says that the potato disease is an exaggeration, yet his compassion for his countrymen is so warm, that still, while he denies the extent of the distress, yet he takes credit to himself for willingness to support any measures which the Government might have brought forward with a view of meeting the temporary emergency; and more especially a grant or loan, taken from the British public, to the extent of 400,000*l.* Now, Sir, some hon. Members have declared themselves unable to perceive the connexion which exists between the case of Ireland, as it at present stands, and the proposed alteration of the Corn Laws; but, Sir, if the statement of the right hon. Gentleman the Member for the University of Dublin be correct, with respect to the condition of the Irish people—if it be true that year after year they are in such a frightful position on account of fever, dysentery, and dearth, as to render their present case by no means extraordinary—it must be necessary to meet their exigencies by grants of money from the public purse, either by way of loan or of absolute gift; and, for my part, I cannot consent to call upon the people of England, who themselves suffer from this same calamity of the potato disease, though not perhaps in so aggravated a form—I cannot, I say, consent to call upon them to make grants from the public Exchequer in aid of Ireland, and, at the same time, insist that there shall remain on the Statute-book a law the operation of which is to enhance the price of their daily bread. Authorities have been quoted by protectionist Members in favour of their own particular doctrines; but I am much mistaken if authorities equally respectable may not be quoted in favour of ours. Adam Smith, a great authority upon these questions, and one who appears to be regarded with singular favour by hon. Gentlemen below the gangway, is most decidedly favourable to free trade in corn; and is of opinion, that it is the surest preventive of famine, and the only palliative of dearth. The same doctrine has received the sanction of Burke. Admirable and beautiful as are all the works which emanated from that great man, there is none which appears to me better entitled to respect and admiration than his "Thoughts on Scarcity." Hon. Gentlemen opposite are fond of quoting extracts from it; but there is one passage which they have neglected to quote; and yet it appears to me of all others the most deserving of notice, and to my mind, at least, is quite conclusive as to what is the duty of the Legislature when cases of national distress arise, such as we have now to deal with. I do not remember his precise words, and, therefore, will not be responsible for the verbal accuracy of the quotation; but I believe it runs somewhat thus:—

> "In my opinion there is no way of preventing this evil, which goes to the destruction of all our agriculture, and of that part of our internal commerce which touches our agriculture the most nearly, as well as the safety and very being of Government, but manfully to resist the very first idea, speculative or practical, that it is within the competence of Government, taken as Government, or even of the rich, as rich, to supply to the poor those necessaries which it has pleased Divine Providence for a while to withhold from them. We, the people, ought to be made sensible that it is not in breaking the laws of commerce, which are the laws of nature, and consequently the laws of God, that we are to place our hope of softening the Divine displeasure to remove any calamity under which we suffer, or which hangs over us."

These appear to me to be the words of wisdom; the principle they lay down appears to me worthy of the gravest consideration; and I hesitate not to admit that it has been the moving principle with me, to support and advocate the measures now under discussion. But the right hon. Gentleman charges us with having betrayed our party;

and declares that we cannot be excused nor pardoned for the course which we have pursued. Sir, I have already frankly declared that I cannot consent to cast censure on hon. Gentlemen who still adhere unequivocally to opinions which I once shared myself; but I have often expressed a hope, and I now again, with unaffected sincerity express it, that the day will soon come when those Gentlemen will see that we have not betrayed them, and admit that the course which we have taken is that which was best calculated to promote their interests, and those of the country at large. The right hon. Gentleman the Recorder for Dublin has cast our horoscope. He says that we are a falling Government, and sitting behind us, he acts upon that principle, for he kicks us because he thinks we are falling. He alludes to the possibility of a protectionist Government. If such a Government should ever be formed, I—notwithstanding what has fallen from the right hon. Gentleman—am free to confess that I hope he may succeed in obtaining from that Government a satisfactory settlement of the Recordership of Dublin. I trust, Sir, that he may be enabled to procure from a protectionist Government a retiring allowance such as he desired, but such as I regret it was not in my power to advocate. The right hon. Gentleman declares that he never looked for political power, nor sought for the enjoyment of Parliamentary office; but yet, if a protection Government were formed, the vision of the Irish Secretaryship might again flit across his fancy; and, should he obtain that office, I hope that under the benign influence of his administration, the people of Ireland may enjoy all the advantages of which their condition is susceptible. At all events, whether now, or at whatever time the learned Recorder may give utterance to these reproaches, I cannot fail to appreciate the feelings which actuate him; and knowing those feelings, his censure sits light upon me. I infinitely prefer his open hostility to his smouldering resentment. Then, Sir, the hon. Gentleman the Member for the University of Oxford, stated his opinion, that this measure was inconsistent with the interests of the titheowners. Nothing could be more accurate, than the statement which the hon. Member made that, under the Commutation Act, tithe is an invariable quantity, though the price is variable. In my opinion, the very accuracy of the statement disposes of the question so far as the titheowners are concerned. Under the Tithe Commutation Act an invariable quantity is secured, whatever may be the change of cultivation: the only variation is in the price. Now observe, before the Tithe Commutation Act, the titheowner was not only exposed to a variation of price—because, if he took his tithe in kind, he was liable to the variation of price—but also to a great variation in quantity; whilst under the Tithe Commutation Act, he is free from that variation in quantity to which he was before exposed, and he is liable only to that variation of price from which he was not before exempt. That is my answer to the objection of the hon. Gentleman the Member for the University of Oxford. But let us consider the case of the tithepayers; and if there be any hardship in the case, the tithepayers are more affected than the titheowners. Unlike the tithe receivers, the tithepayers have to pay a fixed quantity, and even if the land be thrown out of cultivation, the quantity they have to pay will not be reduced, though the variation in price will be provided for, since there is every year an adjustment of price, based on the averages of the last seven years. I am free to confess, Sir, that my answer to the tithepayers is not so complete as my answer to the titheowners; but upon the whole I believe that they will both find that they have had an equitable settlement; and it must be remembered that, on the whole, the Tithe Commutation Act is greatly in favour of the landed proprietors. Till the passing of that Act, whatever was the increase in the quantity of produce, the titheowner partook of it; the titheowner was in fact coparcener with the owner of the soil, and partook of the increased produce without sharing in the outlay necessary to make that increase. Prospectively under the Tithe Commutation Act that coparcenery is dissolved, and the landowners now enjoy exclusively the permanent advantages arising from the outlay of capital, and from the increased quantity of produce. Upon the whole, then, I think that the arrangement may be regarded as equitable to all parties, and I do not see why the titheowners should offer any obstacles to the progress of this measure. But the hon. Member for Oxford put the case as a dilemma: if the prices should not fall, he asked, what is the object of this Bill? and if the price falls, where is the equity of this measure? Now the Corn Laws are always open to another

dilemma: the present Corn Laws either enhance the price of one of the first articles of necessity, or they do not so affect it. If they do not affect prices, I wish to know why is there all this resistance to any change? It cannot be denied that they turn our foreign customers into rivals—that they cramp our foreign trade—that they disorganize the home market—that they cause internal dissension—that they set class against class—that they cause heartburnings amongst a large portion of the community; and that they produce, I may almost say, an endless interruption of domestic peace. If they do not affect prices, wherein consists the injury done to the landowners? But if they do cause a permanent enhancement of price, then the interests of the consumers and of the receivers of wages are justly arrayed against them; and they may say—

"Why do you make us pay a larger price than we ought, and than we should otherwise pay for our daily bread, whilst at the same time you diminish our means of purchasing food?"

I will now refer to the damage likely to arise to agriculture, and I must here say that the prosperity of the home trade has been almost invariably concurrent with the improvement of the land, with the prosperity of agriculture; and, speaking generally, with the reduced price of food; and upon this point I cannot resist quoting to the House a short passage from a work on this subject, in which the writer states the argument upon this point so tersely and so ably, that I cannot hope to present it in so effective and so clear a manner. In the neighbourhood of the manufacturing towns, the importation from distant places has received a great and a progressive increase. Manchester and Liverpool now draw their supplies of agricultural produce from Ireland, from Scotland, and from the northern counties of England; and, simultaneously with that increased importation of produce from a distance, there is a higher price for farm produce in the neighbourhood of the towns; and so far from its being a consequence that the value of land in the neighbourhood of the towns has fallen, the very reverse is the fact. The case, however, is so ably put in the work of Mr. Wilson on the influence of the Corn Laws, that, with the permission of the House, I will read what he says:—

"Of late years the facilities of steam navigation have enabled the producers in Ireland, Cumberland, and elsewhere, to send the fruits of their industry at cheaper and easier rates to Liverpool, Manchester, &c.; but, while we find that, in the former places, these facilities have tended to improve the value of property, and the general condition of the producer, yet they have in no way tended to reduce the value of property or the condition of the producer in the neighbourhoods of the latter places. Without these additional supplies, the consuming ability of the large towns would have been abridged to a smaller quantity of food; but, with such additional supplies of such articles as can be best brought from a distance at a cheaper rate, a larger ability to consume other articles, which are not so easily transported, is obtained by the community, in the production of which the immediate producers find an occupation as profitable as before, and thus the whole community of producers and consumers is equally benefited."

And here he gives an application to which I would call the especial attention of hon. Members:—

"There is no more reason why the consumer in Great Britain should not be benefited by the producer of the continent without injury to our own property, than that the consumers in Liverpool and Manchester should be benefited by the producers in Ireland and Cumberland, as has been shown, without lowering the value of land in the immediate neighbourhood."

This argument, I confess, appears to me to be conclusive and unanswerable. Now, Sir, there is only one other point to which I am anxious, with the permission of the House, to direct the special attention of hon. Members: it is the important question of the bearing of the price of corn on the rate of wages. I have stated on former occasions to this House my deep and firm conviction with regard to the manufacturing population—and there has been strong evidence to confirm my views—that so far from high prices producing high wages, the very converse is true, and that low prices produce high wages, and high prices produce low wages. I allude to the evidence given before the Handloom Commissioners; and I can refer to evidence given in Scotland, in the West Riding of Yorkshire, by the handloom weavers in the county of Warwick, and last of all by the silk weavers. The first evidence to which I refer is that of a Scotch witness, taken by Mr. Symonds, the Assistant Commissioner, in the south of Scotland, for inquiring into the condition of the handloom weaver; and on the result of that evidence Mr. Symons reports, that the only measure desired by the weavers, and thought desirable by the manufacturers, was the repeal of the Corn Laws. They considered the continuance of that tax, by increasing the price of food, and diminishing the amount of employment, as grievous and impolitic. Next let me refer you to the evidence of two handloom weavers themselves, given to Mr. Chapman, the Assistant Commis-

sioner in the West Riding. Charles Fletcher was asked, "Have you considered the causes of your distress?" and his reply was, he had, and that he attributed the decline, in a considerable degree, to the operation of the Corn Laws. He was then asked, "In what way did you come to that opinion?" and his reply was, that they prevented the exchange of our commodities with other countries, and that their repeal would open the woollen trade to the whole continent. He was further asked, "Is there any other way in which the weavers are affected?" and he replied he thought the weavers were peculiarly affected, for the less income they had, the less they could spend on bread. Wheat was then 3*s.* 4*d.* a stone. A man with a family required two stone, or two stone and a half. Now, he had known it occasionally as low as 2*s.* a stone; and it ought not to be so high. James Carmack declared that there was more than one cause; but the chief he should say was the Corn Laws, for the duty on foreign grain tended to cramp commerce, and it also caused them to eat bread dearer than they ought to do, and than the people of other countries do, and obliged them to consume more of their small earnings in buying bread, so as to leave little for the purchase of anything else. And this, Sir, has been the effect on the home market; high prices have destroyed the demand for many manufactured articles. This has been followed by the mills working short time, by the suspension of labour, and by universal distress throughout the manufacturing districts. The hon. Member for Rutlandshire last evening felt the force of this so cogently that he proposed, as an act of justice to the working classes, that there should be, and he declared there ought to be, a sliding-scale of wages as a relief from the sliding-scale in the Corn Laws; and not only that there should be fixed a minimum rate of wages, but that the rate should be adapted to the high price of corn: such was the proposition gravely made by the hon. Member for Rutlandshire, who thought it unjust to enhance the price of corn without establishing a scale of wages. I am ashamed to trouble the House any longer, otherwise I could cite much more evidence from the report of the handloom weavers' commission of workmen in various trades, whose evidence is given in their own words; but I am certain that I do not misrepresent the character of that evidence, when I say that the manufacturing population generally look upon the Corn Laws as enhancing the price of food, and at the same time diminishing the rate of wages. And now, Sir, I come to the consideration which I own operates most powerfully on my judgment. I cannot overlook the fact, that the Government of this country is, in practice, vested mainly in the landowners. The other House of Parliament is composed almost exclusively of landowners; and there is in this House a great preponderance of the landed interest. A Government so based and so conducted cannot long maintain its influence in opposition to the great body of public opinion; such a Government to be safe, must make it evident to all that its rule is impartial legislation; and now, when we consider the concentration, the union, the intelligence, the growing numbers, and the increasing proportion of the manufacturing population, who have, if not an universal, a very general opinion deeply seated in their mind, that the Corn Laws do enhance the price of bread, and do at the same time lower wages—that they make the manufacturing workmen pay more and receive less—if you persist in maintaining such laws, you may depend upon it that the population will not place confidence in your justice, or in the impartiality of your legislation. The people, upon this point of their daily food, will not at all times listen even to reason; much less will they be cajoled by fallacies; and I am satisfied, in my own judgment, that they are not wrong in their opinion. They are right in their opinion, that with the manufacturing population of this country high prices are concurrent with low wages, and they are placed in a most unfair position when the price of bread is artificially enhanced, and at the same time the means of obtaining it are decreased. If, Sir, time would permit, I could give you conclusive evidence, which I have before me, that this opinion is no longer confined to the manufacturing population. I could show that the agricultural population are beginning to be of the same opinion. I could produce evidence that there is a diminution of crime when prices fall, and that there is an increase of crime when prices rise. I can show that distemper and mortality also increase in proportion to the rise in the price of food, and that they decrease as the price of food diminishes. It has been proved to you, that, although wages in some of the agricultural districts may occasionally rise to a certain extent

with the rise of corn, yet that they never rise commensurately, nor in the same ratio. I have shown the effect of the Corn Laws on the manufacturing population—I have shown the spreading distrust and aversion which are springing up against them amongst the agricultural population; and looking at the question dispassionately, I am bound to say that I cannot believe that the conclusions drawn by the manufacturing population are not sound and true. On the contrary, I believe them to be most accurate. I see that those protective laws will be dangerous to the rights of property, unless you supply a practical remedy in time—dangerous to the public peace and to the well-being of this country; and this being my conviction, I can, with a safe conscience and unhesitating judgment, give my unqualified support to this Bill. It is unnecessary for me to say, that with regard to domestic peace, no time should be lost in passing this measure; and with respect to our foreign relations, I will only say that I consider its enactment highly desirable and decidedly politic. Nations advantageously trading with each other are bound in heavy recognizances to keep the peace. The current of trade, once suffered to run free, deepens its channels and extends its ramifications. Its vivifying power is felt by every member of the community; and whatever may be the dispositions of Governments towards war, the whole body of the people, deriving their daily comforts from uninterrupted trade, will be loud in their demands for peace; and be assured, Sir, that the surest foundations for the peace of the world will be found to be, commerce extending its benefits to the great masses of human race. The hon. Gentleman who moved the Amendment concluded with a quotation from a modern poet, My quotation shall not be from a modern poet. There are, in Pope's poem of "Windsor Forest," a few lines which appear to me so applicable to the extension of free trade, that if the House will so far indulge me, I shall take the liberty of quoting them. Looking forward to the happy day when London will have become a free port, he thus apostrophises the noble river which opens to this great metropolis the commmerce of the world :—

"The time shall come when, free as seas or wind,
Unbounded Thames shall flow for all mankind,
Whole nations enter with each swelling tide,
And seas but join the regions they divide;
Earth's distant ends our glory shall behold,
And the new world launch forth to seek the old."

That is the real description of the happy consequences to be expected from the measure we are now discussing. May the vision be realized!—as assuredly it will be at no distant period—if with me you give your assent to the second reading of this Bill.

MR. STUART (Newark): Sir, I feel anxious to make a few observations on the subject of this debate. It seems to me that through the whole course of the discussion, which has lasted for many nights, great temper and forbearance has on the whole been shown, and especially by those hon. Members among whom I sit. I think almost every Gentleman who has spoken in condemnation of the new measure of the right hon. Baronet at the head of the Government has attributed to him and to his Colleagues the purest and best motives for the opinions which they now profess. I think, Sir, that whatever is said in Parliament by persons in authority is entitled to respectful attention. Feeling on my own part this respect, I am anxious to think as favourably as I can of any measure proposed by those who are entrusted by Her Majesty with the government of the country. And I have been the more disposed, Sir, to listen with respect to all that has been urged from the Treasury bench in this discussion, because the measure on which we are deliberating is proposed not by a young and inexperienced statesman, but by one of tried ability and experience, whose conduct in public affairs has stood the test of many years, and in whom, until very lately, we have long reposed our confidence. With these feelings, Sir, and after the forbearance which has been shown, it is with the deepest regret that I have heard the right hon. Baronet who has just sat down, attribute to a right hon. Gentleman near me—attribute to the right hon. the Recorder of Dublin (Mr. Shaw), the basest motives as actuating him in opposing the present measure. Sir, I think that the character of that right hon. Gentleman is sufficiently known in this House and in the country, to make us all feel that the imputation is unfounded, ungenerous, and unjust; and it has been received by the House in such a way that I rather think the right hon. Baronet must now feel that he has made a mistake. What is said in such a spirit, and so wholly undeserved, can never find favour, I trust, in this House. Nothing shall tempt me, Sir, I trust, to depart from that respect which is due to the station and talents of the right hon. the Secretary for the Home Department;

but when I am called upon to give my vote for or against this measure, I conceive I have a right to exercise my own judgment, and form my own opinion. When I am to consider whether this measure be a wise one or not, I must crave leave, not as asking any undue indulgence, and certainly not conceiving that any great weight is due to the opinion of so humble an individual as myself, still I must crave leave to express my firm and honest opinion, unbiassed by any other consideration. But we have heard, Sir, to my astonishment, from the right hon. Secretary for the Home Department, in the latter part of his speech, a matter brought forward for the first time, to influence our opinions on this question, which, as coming from him, I have heard with sorrow and alarm. I have read the report of a speech by the hon. Member for Stockport (Mr. Cobden) not in this House, but in another place, in which he has said that the Government and the Constitution of this country were overridden by the landed interest. I do not mean to say that a person in the situation of that hon. Member may not express such an opinion; but I would ask whether it is just or correct? It is said that the Government has been oppressed and kept down by the landed interest, prevented by it from bringing forward the measures which they would otherwise have proposed as proper and wise. Such doctrines from that quarter may excite little surprise. But I ask, Sir, what are we to think when we hear from the Secretary of the Home Department an argument in favour of this measure which proceeds on this very ground?—when we hear a Member of the Cabinet tell us in this House, as a circumstance to influence our votes on this occasion, that we ought to pass this measure because the manufacturing interest is not sufficiently represented in this House—not because the measure is in itself wise and beneficial, but because the people have now begun to think that the landed interest has an undue preponderance in this House? [Sir J. GRAHAM: I did not say undue, I said a preponderating influence.] Very well. Then the argument is, that because the landed interest preponderates in the House, we ought to pass the measure without regard to the injury which it may occasion, and without considering whether it be a wise measure or not. Have things come to this pass, Sir, that we are to take for our guide not our own opinions, not the dictates of our own judgments, but that we must give way to what we are told is an opinion entertained by one class of the community, whose opinions and interests alone we are to attend to? This is addressed to us to coerce our opinions: right or wrong is to become a secondary consideration to what is called the growing opinion of the manufacturing classes. A doctrine more dangerous, more subversive of the independence of Parliament, more revolutionary, and more clearly tending to degrade the legislation of this country, I never heard. I believe, Sir, it is the opinion not only of every sound statesman, but of the great body of sensible and respectable men in this country, that this House fairly and justly represents all classes of the Commons in this kingdom. If not, what has become of the Reform Bill? If it does justly represent all classes of the people, can there be a more dangerous or degrading doctrine than that those who so represent all classes, should consider one class as less fully represented, and therefore abandon their opinions of what is for the benefit of all classes, in favour of the growing opinion of one particular class? It is my intention, Sir, to vote against this measure; and I shall endeavour, as shortly as I can, to state some of the reasons why I am determined to oppose it. The wide and general question of the wisdom and policy of the Corn Laws, is one into which I do not propose now to enter. It is a question which has been often enough discussed already, and on which this House has by large majorities again and again pronounced a decided opinion. It is a question the discussion of which has, I believe, occupied the mind of every well-educated Englishman; the arguments upon both sides of the question have been familiar to us from our early years; and the opinions of most men have been fixed and settled with regard to it. One great cause of difference of opinion on the subject, I believe to be the different views which persons take of the comparative importance of the landed interest, on the one hand, and the manufacturing interest on the other. On this great and fundamental point, my own opinion, in common with that of those whom I believe to be the greatest and wisest, is, that while the importance of our manufactures and commerce must be admitted, all that relates to our agriculture is of still higher and greater importance. Sir, it is the rich and fertile fields of England which have been the very cause and source of our commerce and

manufactures. But for our agricultural wealth, neither our cotton mills nor our manufactories would ever have existed. All our sound and practical statesmen are agreed in this—that the landed interest in this country, and the prosperity of its agriculture, is the basis of all our prosperity as a nation. Our commercial and manufacturing interest, great as it is, rests upon this basis, and is of a more fluctuating and transitory kind; and even if our cotton mills and manufactories should, in the vicissitude of things, perish and decay, our rich and fertile fields would remain the source of continued strength, and the means of renovation from the decay of more transitory wealth. I perceive an hon. Member on the opposite side of the House (Mr. Bouverie), smiles at this. He, perhaps, is of a different opinion. Perhaps he thinks that our cotton mills and trade will remain and flourish when the fertile fields of England are no more. At the hour when I am now speaking, the Corn Law of 1842 is the law of the land. It is a law founded on this wise and just principle, namely, that whereas our commerce and manufactures are protected by certain duties, so in a just and fair proportion should our agriculture be protected also. That is the system under which we are now acting, and under which our commerce and manufactures, as well as our agriculture, have flourished. The question now for our consideration, and on which we must give our votes is this—whether this just and successful system is to be abandoned—to be altogether thrown overboard as to one class—whether protection is to be extended to every other class except the landed interest—and as to it, the basis of the prosperity of all, is to be from this time forward withdrawn? I perfectly understand the arguments in favour of free trade. I admit their force as mere theoretical arguments. I deny their practicability or wisdom in the management of the affairs of this nation in the present state of the world. As applied to the measure before us, I deny the justice of those arguments. If we are told—and that is what we are told—that protective duties are to be withdrawn from the produce of our land, and to be continued to the produce of our manufactories, I say that there is a glaring want of wisdom and want of justice in such a proceeding. And here I must address myself more directly to the reason for this sort of proceeding, which was put forward by the right hon. Baronet at the head of the Government. He said, that we must adopt this course as a matter of necessity; and he undertook to make out that a case of overwhelming necessity existed. But it is to be observed, that out of that great party, of which the right hon. Baronet was once the proud leader—a party as proud to be led by him as he was proud to be their leader—of this great party of more than 300 Members, only 112 supported him on this occasion, or countenanced the notion of the alleged necessity; and let it not be forgotten, that of those who supported him, more than one expressed an opinion that the effects of the measure would be most calamitous, and that it would be the ruin of thousands. Now, if the right hon. Baronet at the head of the Government, and the right hon. Baronet the Secretary for the Home Department, and those who vote with them on this measure, mean to support it on the ground of an overwhelming necessity, I beg leave to say, that this case of necessity has not been established at all. On the contrary, the right hon. Baronet the Secretary for the Home Department, although he did say something of the famine in Ireland, and the scarcity of potatoes, before he had done, put the argument on different grounds. But I beg leave to say, that the way to cure those calamities in Ireland, even if they existed in the fullest extent which has been alleged, is not by ruining the landed interest in England. How are the poor fever-stricken Irish to be cured, or the hungry to be fed, by telling them that protection to agriculture is to cease in the year 1849? Why this is a mockery. I say, that if we are called upon to support this measure, on the notion that it is justified or required by the state of Ireland, the understanding of every reasonable man must reject the argument entirely. I call upon the Government to relieve those temporary evils with which Ireland is afflicted by some better and more speedy remedy. Such calamities are not to be met by extensive measures of this kind, which even some of those hon. Members who feel bound to support them, are forced to admit will be most injurious. Then we come back to the question—is it wise or just to withdraw all protection from land, while it is extended to our manufactures? The right hon. Baronet the Secretary for the Home Department tells us that there is a growing opinion in the country that protection to land must cease, and therefore we must give way to that opinion. Now, I beg leave to deny that

there is a growing opinion of this kind. Where is the evidence of it? The right hon. Baronet, as his proof of this growing opinion, reads to us the evidence of a handloom weaver, given before some Commissioners. Now, for my own part, I attribute very little weight to opinions obtained in this way; they are almost always the opinions of partisans—of men who are called to deliver such opinions because they are known to entertain them, and they are the sort of opinions which are wished for. I recollect, in my own case, there was a subject on which I happened to possess considerable authentic information. This being known, I was applied to by a Member of the Government, not the present Government, and requested to come to be examined before a Committee of this House. Before the examination, I had a conversation with the individual who had obtained the appointment of the Committee, and I found from him that he had a particular object in view—that my evidence would exactly tend to an opposite conclusion from that which he wished the Committee to come to. I need hardly say, that when this Gentleman ascertained what the result of my evidence would be, I was not examined at all. I confess that occurrence produced a pretty strong impression on my mind as to the degree of weight to be given to evidence before Committees of this House. But another sort of evidence has been resorted to in this discussion. The right hon. Baronet refers us to the reports of gentlemen employed by the Government to collect information. Now, information collected in that way is always sought for with a view to produce an impression of a particular kind; and it generally happens that persons so employed make it their business to ascertain the sort of view which it is wished the evidence collected by them should present. I am the more impressed with this from what I know happened to a friend of mine, now no more. He was a gentleman of great intelligence, and was employed by the late Government to go through certain districts of England, to make inquiries and a report on a particular subject. He told me that not having much practice in such matters, he applied to a gentleman of great experience and long in office, to know how he should proceed in the preparation of his report. The advice he got was this: "The first thing I advise you to do, is to ascertain what sort of report it is wished by the Government that you should make." It is, Sir, a very difficult thing indeed to obtain unbiassed evidence on any subject, but especially on a subject of this kind; and, without meaning any sort of disrespect to the functionaries employed by Government to collect information in Ireland, I must be allowed to receive their information with some distrust as to its perfect and impartial accuracy, especially when I find very opposite accounts from respectable and intelligent persons unconnected with the Government. But when the right hon. Baronet (Sir J. Graham) talks of the growth of opinion on this question, he should give us some better evidence, and let us know how he ascertains this growth of opinion. It is a very remarkable thing, that I have read a speech delivered sometime ago in January last, by the hon. Member for Stockport (Mr. Cobden) so exactly like what has been said to-night by the right hon. Baronet (Sir J. Graham), that I must beg the House to allow me to read it. It is from a newspaper report of a speech of the hon. Member (Mr. Cobden), at Newcastle I think—at one of those meetings which he describes himself as holding for lecturing and educating the people:—

"But the serious part of the matter is this: these very men have been the Government of the country; these very men and their class have been astride the Prime Ministers and most eminent statesmen who have governed the country for these fifty years. You read the speeches of Lord Southampton and Sir Charles Knightley; they are the very type of the men who have been governing you and your forefathers; and it is frightful to contemplate what the country has had to endure under the guidance of those men. Under their guidance did I say? No! the country has not exactly been guided by them; we have always had Prime Ministers who have contrived in some degree to evade them—men, for instance, who, like Sir R. Peel in his Canada Corn Bill, concocted some measures with a view to relieve a little the country from the misgovernment of these boobies; calculating, perhaps, as in that memorable instance, upon their ignorance of geography. When they saw these men resolved to starve us, they knew it was no good arguing with them on political economy; and they open a back-door through Canada, being well aware of the fact that these men don't know the St. Lawrence from the Mississippi."

This was the lecture, and these were the facts delivered by the hon. Member to teach truth and justice to the manufacturing classes! But I beg the House to observe what he went on to say. It is these words:—

"I know this for a fact. The idea originated in the Board of Trade with a man who chuckled to the day of his death in having originated an idea that succeeded in evading those squires. Such is the class of people who, in their blind igno-

rance, have ruled the destinies of this country; and how it is that the country has ever managed to survive such rule—how it is that this Anglo-Saxon people have put forth such mighty energies in spite of the incubus that sat on their industry, is one of the most marvellous things the historian has to deal with."

Now, I ask the House to observe how the general scope of this corresponds in a remarkable manner with the tone and language of the right hon. Baronet (Sir James Graham) this evening. If the right hon. Baronet had been himself one of the audience, he could not more effectually have imbibed the notions of the hon. Member for Stockport (Mr. Cobden). But does the lecturing and noise of the Anti-Corn-Law League—noise communicated by factitious means, helped on by falsehood and fraud from day to day at public meetings, then published in the newspapers, and repeated in this House—constitute public opinion? The hon. Member for Stockport has talked in this House of the opinions of the lower classes employed in manufactories, whom he calls 'men in fustian jackets,' and proposes that meetings should be held according to what he describes as the custom of our Saxon ancestors, at which these men might express their opinions as those of the great body of the nation. But let me remind Her Majesty's Government, that the people who attend such meetings are not the whole even of that class of the population, nor even the better part or the more numerous part of that class. All the artisans in the country do not attend meetings on such subjects. The better part of our manufacturing population—the industrious mechanics and artisans, the more intelligent and sensible part of the body—employ their leisure hours in a more profitable manner. Those of them whose conduct and opinions are entitled to consideration, spend their time with their wives and families, or in pursuits very different from listening to the harangues of the hired orators of the Anti-Corn-Law League. The audience who attend these orators and lecturers are of a very different character. From the earliest times—from the days of Jack Cade downwards to the present time—any mob orator may collect a large audience of idle and drunken mechanics and others, clad in fustian jackets, who will applaud him to the echo, and applaud him the more if he abuses the landed interest and men of station and authority in the country. Mobs may meet to applaud the speeches of those who flatter their prejudices and abuse their superiors; but what men of sense would listen to such trash and nonsense? What grieves, me, Sir, in this matter—and what I consider a great national calamity—is, that we are living under a Government who are imposed upon by these proceedings. It seems, Sir, that Her Majesty's present Ministers make no account of the opinions of quiet and respectable men—of the sober, honest, quiet, and industrious men who attend to their proper business, and spend their leisure hours in their houses, by their firesides, with their wives and families—who disregard the Anti-Corn-Law League—who disdain to receive their money, and will not attend their meetings. For my own part, having occasion to see a good deal of all classes of society, and to hold intercourse with persons high and low, and with many of those belonging to the manufacturing population, as well as with other classes—I know that the great body of them hold very different opinions; quiet and industrious men, who, like the agricultural population, do not make speeches or listen to speeches, or participate in those proceedings at public meetings of the Anti-Corn-Law League, which but for their effect on the present Government, I would call a nonsensical farce. I observe that the hon. Member for Stockport, in another of his speeches at these meetings, said he had been for years educating the people, and that it was years before he got his random audience to understand or adopt his views—views and doctrines which, I must be allowed to say, he delivers to them in such language as, if uttered in this House, would deprive him of all right to be heard in it. Why, the language which I have read to-night, in which he has called men of high rank and station and intelligence, boobies and ignorant men, is mild, compared with some of his expressions out of doors. I ask the right hon. Baronet (Sir R. Peel) whether he believes that the object of the Anti-Corn-Law League is to tell the plain truth, and to support it by fair and honest argument? Can he believe it? Has he read these speeches? Because, if their object and practice were to assemble meetings merely to tell the truth, and to support the truth by fair arguments, their conduct, so far from being criminal and mischievous, as it is, would be praiseworthy and meritorious. We are told, Sir, by the Prime Minister, that he has changed his opinion on this great question. Be it so. It is no reproach to any man that he changes his opinion, if he change

it for the better. It may be no reproach to his honesty if he change it. But let me beg the right hon. Baronet to consider that one inevitable consequence of the change must be, to diminish the weight and authority of the individual who announces that his opinion is changed. I could not but feel the force of what the hon. Member for Bath (Mr. Roebuck) said on this subject a few nights ago. He says, he gives credit to the Prime Minister and the noble Lord opposite (Lord J. Russell) for now adopting the opinions which he thinks right; but he said, as to their being obliged to abandon their former opinions, "what a satire this is on their understandings!" I admit that there are sources of information open to the Members of a Government which are not accessible to persons not in office; and some credit must be given to those who have that advantage. But what I complain of is this—that up to this night we have heard no valid reason advanced to account for or justify their change of opinion on this question. This debate has gone on for many nights. We have had evidence and arguments of the most powerful kind advanced against the wisdom and expediency of the proposed measure. My noble Friend (Lord G. Bentinck), my hon. Friends near me (Mr. W. Miles and Mr. Bankes), and many other hon. Members on the same side, have brought forward facts and arguments of the utmost importance, and of cogency, to my mind, irresistible. How have they been met? We have had speeches, indeed, on the other side; but those of a description not only inadequate to the occasion, but far below the cold and ordinary arguments on former discussions of this question. Even my hon. Friend the Member for Wolverhampton (Mr. Villiers), who has very often argued this question with great ability, has on this occasion come far short of his former efforts. He was reduced even to address those who sit near me, by attributing to us what none of us have said or thought. He has said to us, "You say you will allow the people of Ireland to starve." Why, I ask, who said so? Which of us has ever said anything of the kind? The right hon. Baronet (Sir J. Graham) has not, indeed, said this of us so directly, but he seemed to me to insinuate something of the same kind. [Mr. B. Escott: Hear!] I suppose the hon. Member means to imply that there is some foundation for the charge. He will have an opportunity in the course of this evening of stating, if he can, who the individual Member is who has said that he would allow the people of Ireland to starve. What has been said, has been the very reverse. For the House cannot have forgotten, that when the right hon. Baronet (Sir R. Peel) drew a most powerful picture of the apprehended state of famine and disease in Ireland, as an argument in favour of the repeal of the Corn Laws, my hon. Friend (Mr. Hudson) rose, and with honest English feeling, which was responded to by the House, protested against having our feelings harrowed by those shocking pictures of poverty, famine, and disease, as a ground for repealing the Corn Laws, when the remedy for those impending calamities ought to be of a very different and much more immediate nature. The real truth is, that the Prime Minister is in a false position with reference to this question. A measure like that which he proposes, ought to come before the House with the weight and authority of the unanimous opinion of the Government in its favour. Can it be said that we have the measure before us with that authority? Can it be said that the present measure comes before the House with the same weight of authority in its favour as the measure of 1842? The truth is, that the present measure was occasioned by the change of opinion of the Prime Minister. In that change of opinion only two of his Colleagues concurred: the consequence was, that the Government was broken up. Then, what was the situation of Members on the other side of the House? The noble Lord (Lord J. Russell) no doubt thought he had practised a very successful political manœuvre when he published his letter, in November last, stating that he also had become a convert to the total and immediate repeal of the duty on foreign corn. The immediate effect, however, of that celebrated letter was, to make it impossible for the noble Lord to constitute a Government. I have no more doubt that the noble Lord, when he published that letter, thought he had practised a successful political manœuvre, than I have—and I say it with great regret—that the proceedings of the present Government with regard to this measure savour of political manœuvre too. I therefore beg the House, and especially the 112 hon. Members on this side of the House who have hitherto supported this measure, to consider well in what position this measure stands. There is no disguise attempted by many of its supporters

on the other side of the House. Their object is avowed to be, to cut down and destroy the ascendancy of the landed interest. [Captain LAYARD: No!] One hon. Member says, "No!" I have not a doubt that he is sincere. But has even he any doubt of the avowed object of others? Has not the hon. Member for Stockport (Mr. Cobden) spoken plainly enough? Is there any sensible man that understands this question who doubts that it will be a severe injury to the agricultural interest? The noble Lord the Member for Suffolk (Lord Rendlesham) has told the House, that if this measure is adopted, one-half of his estate will be thrown out of cultivation. It is impossible to disregard such evidence. Nay, a noble Lord, the Member for Liverpool (Lord Sandon), who supports the Bill, has told the House that he has no doubt its effect will be to throw millions of acres out of cultivation, and to occasion great loss and misery to those engaged in agriculture. I ask the right hon. Baronet whether it is not the avowed object of the hon. Member for Stockport to cripple and put down the landed interest? [Mr. B. ESCOTT: No.] Surely the hon. Member for Stockport is best able to express his own views. Surely the hon. Member for Winchester has not attended to the speeches of the hon. Member for Stockport. What did that hon. Member mean when he talked of putting an end to the empire of the "boobies?" What did he mean by talking of the necessity of destroying the influence of that class which had bestridden the Government, and crippled their measures? His language was plain enough. Why did that hon. Member most untruly describe the speeches of Sir Charles Knightley and Lord Southampton as trash and nonsense, but for the same purpose? I have read these speeches, and found them very able, and sensible, and sound: they stated the truth, and abused nobody. It was plain that all these things were said by the prime supporters of this measure, in order to persuade the House that the party opposed to the right hon. Baronet on this question, however high in station, and character, and talent, must be prevented from having any longer an influence in the government of the country, and must, if possible, be crippled and put down. We are told, indeed, that the time is gone by when this House can be expected to legislate for a class. Why, what is this measure but legislating for one class, and against another class? The existing law, which we are called upon to alter, is a law for the benefit of all classes, and affords equal protection to all. If it protects the agriculturist, it protects the manufacturer also. But the proposed measure continues the protection to the manufacturer, but takes it entirely away from the agriculturist. I can readily conceive that we might have, with perfect wisdom and propriety, a measure proposed to us which should regulate and modify, on fair and just principles, the measure of protection to both classes. If the present measure had been—what it was promised it would be—a great and comprehensive measure, a fair adjustment of the whole principle of protection, I could understand the arguments in its favour; but the insuperable objection to it is this—that, instead of being a comprehensive measure, it is limited and partial. It is levelled entirely against one class. It takes away all protective duties from land, and continues them as to manufactures. Is this fair? Is this impartial? Is this comprehensive? If it be fair or just, its fairness and justice must be demonstrable; and yet we are hitherto without any evidence to support it. It was said, indeed, that there is to be compensation to the landed interest. Let the House consider well how the matter stands as to this. Not only is the alleged compensation wholly inadequate, but it is comprised in some proposed measures to be the subject of separate enactments, which are for the present postponed. I could not help being struck with what was said on this subject the other night by the hon. Member for Finsbury (Mr. Duncombe). That hon. Member, while he supported the Corn Bill, and applauded the change of opinions on the Treasury bench, warned the House to beware lest the right hon. Baronet (Sir Robert Peel), who had changed his opinion of the Corn Laws, should change his opinion as to the compensation, especially as to the most important part of it, the proposed change in the law of settlement; for he (Mr. Duncombe) told the House that the manufacturing interest were opposed to that change, and as the Corn Bill was occasioned by the influence of the manufacturers, that same influence might compel the right hon. Baronet to abandon the proposed changes in the law of settlement. There is something very significant in this warning. I do not know whether it strikes the right hon. Baronet (Sir R. Peel) in that way; but it seems

to me it ought to make him feel how much his authority, and influence, and credit, are impaired by his unfortunate change of opinion on the great question before us. As to that change of opinion, his right hon. Colleague (Sir J. Graham) had indeed deprecated all appeals to *Hansard*, and to opinions expressed in former debates and former years; but I beg leave to tell that right hon. Baronet, that those volumes of *Hansard*, and those of his speeches of which it concerns his reputation that the record should be destroyed, are the volumes now in preparation, the records of such sentiments as those which he has delivered this night. Above all, would it be well for the right hon. Baronet's reputation as a statesman, that all record should perish of the doctrine which he has this night uttered, as to the state of representation in this House, and as to the necessity of being guided, not by our own honest opinions on the measure before us, but that we should give way to the opinion of the mobs congregated by the Anti-Corn-Law League. This doctrine, propounded to terrify the House, coming from a Member of the Government, seems to me awful indeed. But I must say, for myself, and for the honest and independent Members of this House, that if it has come to this, that there is a Government in this country which tells us we must submit to this sort of influence, such a Government ought not to exist for a single day. If we are to submit to this, Sir, and to be guided by such motives as these, our independence is gone, and this House would be reduced to the lowest state of corruption and degradation, and would be unfit for its duty as a great legislative assembly. It is the duty of a Government not to deliver such doctrines as these, but to protect the House against the influence of mobs, and to enable us to debate and discuss public measures on higher grounds than the adoption of the opinions expressed at mob meetings, or resolutions passed by assembled workmen in fustian jackets. The right hon. Baronet (Sir J. Graham) referred to assemblies of unemployed workmen in Lincoln's Inn Fields. Such assemblies may be expected when the vicissitudes of trade unfortunately deprive workmen of employment. At present we may congratulate ourselves upon that prosperity, under the present system of protection, which has given employment to the labouring population. But, Sir, if a change of circumstances were to occur—if artisans, rendered discontented from the loss of their employment, should again congregate in Lincoln's Inn Fields or elsewhere, and threaten to overawe the House, it will become the business of the Government to prevent this House from the degradation of being so overawed; and the Government that is incapable of affording to our lives, and properties, and to the freedom of our deliberations and debates on public affairs, that sort of protection, ought not to be entrusted with the management of the affairs of this great nation. Let me remind the House that this doctrine of being overawed by mobs was put in practice long ago. Nay, even the doctrine of casting *Hansard* overboard, which we have heard from the right hon. Baronet, proceeds on the same principle which Jack Cade preached to his followers, when he said, "Let all the records of Parliament be destroyed; and from henceforth let all law be received from my mouth." I have to apologize to the House for having said so much, and beg to express my deep sense of the kindness of the House for the indulgence and attention which I have received, not, I am aware, from any merit of my own, but from the kindness always shown in this House to a Member who speaks for the first time.

MR. BOUVERIE said, that the incoherency of thought and argument which was perceptible in the speech of the hon. and learned Member who had just sat down, was the usual indication of alarm, and should be therefore regarded as a proof that the alarm expressed by the hon. and learned Gentleman at the result of this measure was real. The hon. and learned Member had been rather indignant with him in one part of his speech, because he had ventured to smile at the remark which he had made, that the existence of manufactures and commerce depended upon the agriculture of the country, whereas if commerce and manufactures perished, the fertility of the soil would still continue. His smile was caused by the thought of what would become of the fertility of the soil if no manufactures or commerce existed. The argument of the hon. and learned Member reminded him of a sentiment in the poetry of the hon. Member's noble Colleague (Lord John Manners)—

"Let wealth and commerce, laws and learning, die;
But leave us still our old nobility."

He had really wondered whether the hon. and learned Member was not about repeating the quotation with a slight alteration, and saying—

"Let wealth and commerce, laws and learning, die;
But leave us still our old fertility."

Perhaps if the country had nothing but that fertility to depend on, the hon. and learned Gentleman would now be somewhat in the condition of one of those Picts that they read of in ancient history, when the fertile soil of England and Scotland existed, but when manufactures and commerce were unknown. The hon. and learned Gentleman seemed very slow of belief in facts which did not suit his particular views. He stated, to his (Mr. Bouverie's) astonishment, because he thought the matter had been admitted by all parties in that House, that the manufacturing classes were not in favour of a repeal of the protection laws. He wondered that when such was the hon. and learned Member's opinion, he had not had recourse to some great manufacturing constituency, instead of applying to a constituency in which the landed interest had a very unconstitutional, or, to say the least of it, a very unfair influence with regard to that House. The hon. and learned Gentleman appeared to him not to have at all touched upon the main question before the House, namely, whether the House of Commons, as representing the opinions of the people of this country, ought to vote for repealing these laws or not. There seemed to him to be a fallacy in the speeches of the hon. and learned Member, and of all the hon. Gentlemen opposite. There seemed to him to be a false assumption taken as the basis of their arguments, and which, if set in its true light, would destroy all their fine declamation. They assumed that the protection laws had been productive of that advantage, and prosperity, and gain to the landed interest which they were, no doubt, originally intended to produce. Of the evils which hon. Gentlemen pourtrayed with such force as likely to follow the passing of this Bill, there was hardly one which did not exist, and of which the pressure had not been felt under the very Corn Law which they now sought to maintain. The dependence on foreign countries for a supply of corn, which hon. Gentlemen appeared so anxious to guard against, had been increasing year by year, or, at all events, in a number of years. Taking the nine years after 1815, when the first of these Corn Laws had been passed, he found the average quantity of foreign corn imported to be 800,000 quarters; whereas, in the next nine years the quantity had increased to 1,400,000 quarters. He had heard a curious argument on this part of the subject from an hon. Member one night during this debate. It was stated that the great object of the protective system was to keep this country altogether independent of foreign countries in time of war, and thus to give them a better security for peace; but the hon. Gentleman who used this argument seemed to forget that the great security against war existed in that free connexion between countries which the hon. Member opposed. In the next place, they had given a picture of misery to the farmers and to the agricultural labourers, for whom the sympathy of hon. Members seemed to have been deeply and warmly aroused. He would come to their case presently; but what he wished in the first place to maintain was, that these laws had not been productive of the prosperity to the landed interest which they were originally intended to produce; and, however hon. Gentlemen might talk, however they might mix up the question with sophistry and fallacy, they could never get over the real proposition which they had to meet—namely, that a law, the obvious tendency of which was to produce dearness in a necessary of life, could not be a just and a good law. That such a law was just, was the paradox which hon. Members had to maintain, and which he denied they ever could maintain. That this was a correct view of the question could not be denied, for dearness meant scarcity: it was, in fact, synonimous with dearth. Whenever these laws operated, they produced scarcity, and, as a necessary consequence, they produced additional pauperism and additional crime. The people believed that from time to time they took employment from the poor, and drove many of them to gaol and to the workhouse. He did not care whether this belief was true or not; but such being their belief, he defied the protectionists to shake it. As wise statesmen, he asked whether they ought not to be influenced in their public conduct by such views, and consent at once to change a law so injurious to the community. The people would certainly act upon their belief, whether it was false or otherwise; and, therefore, this being a national question, the true wisdom and policy would be to repeal the law, without reference to the interests, or supposed interests, of a particular class. He would, in the next place, consider the question whether the present law had produced prosperity to those classes for whose benefit it was intended. In considering this ques-

tion he should put the landlords out of consideration, for he did not think, strictly speaking, they were entitled to be called the agricultural class. The labourer and the farmer constituted the agricultural classes. In the first place, what had been the operation of the law upon the farmer? He contended that in all its parts, so far from being perfect, it had been a complete experiment upon him. The law of 1815 gave him a complete monopoly. For the three years previous to 1821 he had also a monopoly. The result had been ruin, misery, and suffering, for the proof of which he referred hon. Gentlemen to the evidence taken before the Agricultural Committee of 1821; and he repeated that, so far as complete monopoly was concerned, an experiment had been made of giving the farmer the entire command of the home market, and it would not answer. The law was modified in 1828, and what had followed? Why, in a few years the very same result as before—ruin, misery, and suffering. He recollected reading the evidence of one farmer, who was asked where the farmers went to? To the workhouse, he replied. One more modification took place in 1842; and, so far as he could learn, this law had been inoperative to produce prosperity to the farmer. He contended, then, that as regarded the farmers, there was not the slightest pretence for maintaining protective Corn Laws as a means of producing prosperity; they had been ruined under their operation, and they could not be more ruined if they were removed altogether. He came now to the case of the labourer, in whose welfare the House could not but take the deepest interest. Most hon. Members were aware of the old Statutes for regulating labourers' wages, under which they were sent to gaol if they demanded more. Under the present law, in many districts of the country, the agricultural labourers, instead of being comfortable and prosperous, with plenty of the necessaries of life, had not enough of them; whilst the luxuries of life were unknown to them altogether. The case of the protectionists, as regarded this law, ought to be that it had improved their condition, by increasing their physical comforts; but so far from having accomplished that, they were worse off than they were before. He had the means, to some extent, of proving this assertion. Arthur Young had recorded an immense body of facts, which he collected in the course of his tours through different parts of England in 1770; and he showed that at that time the money rate of wages in harvest time in his (Mr. Bouverie's) own county was 5*s.* 9*d.* a week. The wages at present were, for married men with families, 8*s.*; 7*s.* for ordinary men; and there were many single men who did not get more than 5*s.* 6*d.* and 6*s.* There was, however, a difference of 1*s.* 7*d.* per week, owing to the price of the necessaries of life at that period to be added to the rates of 1770, bread at that time being either $\frac{1}{2}d.$ or $\frac{3}{4}d.$ per lb., whilst now it was within the eighth of a penny of 2*d.* per lb. Beef, cheese, and butter, were double the price now that they were at that time. On these accounts he held that although the labourer's money wages had slightly increased, the agricultural labourer was worse off under a system of protection than when he had no protection. Neither farmers nor labourers had been benefited by the law, as he had shown; and as to the landowners, he did not believe they would suffer, in any degree, from the measure proposed by the right hon. Baronet. But even if their pecuniary interests suffered tenfold more than they were likely to suffer, he contended they ought to make the sacrifice. They had the strongest interest in the maintenance of good order; and if they consulted their best interests, they would urge the abandonment of the present law. It was true that a great part of the ordinary supporters of the right hon. Baronet were unable to appreciate his wisdom and statesmanlike views in proposing the measure now before the House; but the bulk of the community would do justice to his motives. He believed that many of these Gentlemen had taken the right hon. Baronet for their leader and given him their support from necessity. The power which he had was founded not upon their love, but upon their fears. But the right hon. Baronet saw the disgrace which would fall upon them if they longer persisted in this ungenerous struggle against the best interests and good sense of the other classes. The right hon. Baronet wished to save them from that disgrace, and he offered to them the opportunity of a fair and honourable retreat. If they did not accept the offer, all the responsibility of the consequences would rest upon themselves.

The MARQUESS of WORCESTER quite agreed with one observation at least which had fallen from the hon. Member, and it was this, "That incoherence of argument evinced the presence of fear." That he

could understand. The hon. Member had said that the exportation of bullion did not injure the country; and to prove this he had made a commencement at a certain year, as an approach to what would happen. Now, to his apprehension, to approach a point was not touching the point itself. He had himself been very near the fire, but he had not been burned. The hon. Member also found fault with the hon. Member for Newark, because he had said a famine in Ireland had been the cause of the measure now before the House, though he had stated this famine not to be a sufficient reason for the change. He did not see the hon. and learned Member for Liskeard in his place, or he would address himself to him; but others said, as well as that hon. Member, that those who sat on the protectionist side of the House, were not consistent, inasmuch as the Conservative Members said they did not believe in the distressed state of Ireland, and yet professed a readiness to do good to the country and adopt measures to remove its distress. But all the Conservatives wished to say was this, that if Ireland was more than usually distressed, they would be happy to join with the right hon. Baronet to relieve that distress. No proofs had been offered to the House that any distress, beyond the usual distress, existed in that country. It had also been said by the Member for Liskeard, that the protectionists had agitated for a dissolution. He had understood, however, that the constituency of Liskeard were not so enamoured of free trade as they had been, and therefore it was not wonderful that the prospect of a dissolution was distasteful to the hon. and learned Member. With respect to the measure of the right hon. Baronet, much injury must arise from it to the landed interest, because, on the shores of the Baltic, in Russia, and in the north of Germany, good land could be had at 12*s.* per acre; and labour, it was well known, was much cheaper than in this country. Could that measure be good which reduced the farmer to a condition of suffering, and would drive the labourer to the workhouse? The right hon. Baronet should not have given way to the cry of the Anti-Corn-Law League. The right hon. Baronet did, perhaps, imagine, after the passing of the present measure—for it was said the measure was to pass — that the Anti-Corn-Law League would disperse. But that body would not only not disperse, but they would agitate for something else. Their next attempt might be against the Church of England; and every branch of the British Constitution might be in its turn attacked. The noble Marquess concluded by expressing his regret that the right hon. Baronet had given way before this first of a series of attacks upon the Constitution of Great Britain.

MR. GARDNER did not desire to waste the time of the House by the expression of merely his own sentiments; but his constituents naturally wished to hear his opinions upon these measures expressed in Parliament, inasmuch as he had, in his addresses to them, stated that he had offered himself to them on the ground of protection, and not of free trade. He did not think Her Majesty's Government had a sufficient case to justify their adoption of this measure. He was ready to admit that the potato failure was considerable, and much to be deplored; at the same time, it had appeared to him to have been much exaggerated by the panic which had been caused upon the subject; and his opinion was that this measure ought not to have been formed on such a basis. The right hon. Gentleman (Sir J. Graham) had endeavoured to convince the House of the necessity for the measure on the ground of the potato failure, in opposition to the able statements of the right hon. Gentleman the Recorder of Dublin; but when he found that the price of potatoes in Ireland was but about 4*d.* per stone, he must say he could not understand how famine could exist in that country, inasmuch as he could not conceive that 1*s.* a stone added to the price of potatoes, could produce a result which could amount to famine. He had himself, too, taken the trouble to ascertain what had been the average prices of potatoes in several parishes for the last six years, in comparison with the price for five previous years; and he found that, taking 404 parishes, there were in that number 107 towns in which the price in the present period was not more than it was in previous years; that there were 295 out of 404 in which the price had risen; that, out of these, the price in 11 towns had been $\frac{1}{4}d.$ per stone higher than the previous average price; in 59 towns $\frac{1}{2}d.$ per stone higher; in 10 towns $\frac{3}{4}d.$ higher; and in 57 towns 1*d.* per stone higher; leaving, altogether, 158 out of the 404 towns in which the price was 1*d.* per stone higher than the price of average years. Now, he must say, that this appeared to him to be a very strong argument against the alleged necessity for this measure on the ground of a

potato famine. He could easily understand the force of the arguments of the right hon. Secretary for the Home Department, after the Returns made to him from the Mansion House Committee, of which Lord Cloncurry was Chairman, and particularly when that Report contained expressions of so fearful a character, which the experience of four months, however, had not borne out. It was asked that the ports of Ireland should be closed against the exportation of oats and oatmeal; and he confessed his surprise that the Government had not taken a course of that kind, following the example which had been so laudably set them by foreign Governments. He firmly believed that the measure before the House would have a most injurious effect upon agriculture in general; and that the corn of this country would under its operation be reduced to a lower average price than had been known for the last six or seven years. Having quoted from Adam Smith, and other writers on political economy who were in favour of free trade, to show that the result would be, that corn would become not only lower in price, but that it would remain stationary at such diminished value, the hon. Member contended, that if there was to be any compensation given to the landed interest for the losses they would sustain, the removal of the burdens on land ought to have been a question to be considered in conjunction with this measure. It was the high prices of former times which had brought a great portion of the lands of this country—and particularly such large districts as that of the Bedford Level—into cultivation; and viewing this measure in connection with our colonial dependencies, he believed that the Colonies would also assert their right to have free trade; and that, whereas a sort of free trade did already exist between India and the States of Asia, they would, in a year or two, have a free trade between India and the States of Europe and America. If the colonial trade was of the great value it had always been considered, he wished to know why they should do it this injury? During the five years ending with 1844, the value of exports from this country to her different Colonies was 13,500,000*l.*; and he thought it would be wise for them to consider the probable extent of their foreign trade before they exposed their Colonies to be injured to such an extent, as they naturally must be under this Bill. The hon. Member read several statements as to the great amount of the grain products of America, and particularly in regard to Indian corn, which he contended would come into extensive competition with our native agricultural produce, and concluded by expressing his intention to oppose the measure.

Mr. MILDMAY was desirous of stating why it was that he felt himself compelled to take a different course in regard to this question, from that at any time expected to be in reference to any measure emanating from the present Government benches. He was not in the House during the last discussion of this question, not because he then entertained a different opinion upon it from that which he now held, but because he could not think it right to oppose a Motion for going into Committee upon a Resolution introduced by Her Majesty's Government; and upon a subject which had formed a prominent paragraph in the Speech which had been delivered by Her Majesty to her Parliament. He had, therefore, abstained from voting on that occasion, because he was reluctant to be numbered among the supporters of a measure of which he disapproved. They had now, however, arrived at a further stage of the measure, and he could not refuse to take a straightforward part, whether in support of, or in opposition, to it. In the course he felt himself compelled to adopt, he could not but own that he felt the greatest reluctance in coming to a decision that would place him among the opponents of those with whom he had hitherto acted since he had been in Parliament, and to whom he was disposed to give every credit for the sincerity of their motives for the change of opinion which, upon this subject, they had adopted. But he was anxious to guard himself against its being supposed that he at all coincided in that laudatory view which the hon. and learned Member for Liskeard had taken of those changes of opinion; for the hon. Member seemed to think that the more people changed the better they were—leaving the impression strong upon his mind, that, at an early period of his life, the hon. and learned Gentleman must have been a Conservative. However anxious he had been to agree in the views of Her Majesty's Government upon this question, and though he admitted that it was quite open to them to change their opinions, yet his own opinions were not formed in the same way as theirs: he could not turn so short; for, indeed, the shortness of the notice itself made it quite

impossible for him to coincide with them in their views. They appeared to him, also, to have changed their opinions on too slight grounds; for it was really absurd to suppose that the real grounds for that change could be that which they had advanced in reference to Ireland. He could not refrain from thinking that the right hon. Baronet had attached more importance to the subject than the nature of it warranted; and he inclined to the opinion, that the right hon. Baronet had also seized upon certain foregone conclusions that had for some time occupied his mind, and had made the change in Ireland a ground for carrying out those important conclusions. He begged the House to look at the consequences that had resulted from the right hon. Baronet having connected two things not necessarily connected. He had deferred the contemplated relief to be administered to the people of Ireland from January to June; for Ireland could not feel the benefit of any law that might pass at the present Session until the month of June. But again, was it, he would inquire, necessary, if the right hon. Baronet had separated Indian corn from wheat (for he had admitted that there had been no precedent in favour of admitting wheat before the Bill became law by passing both Houses of Parliament, and receiving the royal sanction, though he had admitted Indian corn), that he should have made so extensive a change for the purpose of relieving any extent of famine in Ireland? He (Mr. Mildmay) admitted, that between the conflicting accounts that had been laid before the House and the public, he was at a loss to form a correct opinion as to the grounds for such apprehensions, especially when he recollected, in the autumn of last year, that an attempt had been made, which attempt, however, had been unsuccessful, to make the people of England believe that famine would also visit them. This not succeeding, the scene had been transferred to Ireland. He deeply felt the statement that had reached him respecting the distress in that country; and if distress existed to half the extent that had been represented, he thought that every Irishman in the House ought to be indignant with the right hon. Baronet at the head of the Government for having so long postponed that relief which the circumstances of the country, if correctly stated, most imperatively demanded. If it were for the interests of the country generally, that so important a change should be effected, it became incumbent upon the right hon. Baronet to show not only the necessity but the safety of the measures he had proposed to the House for adoption. Now, with respect to the necessity, setting aside Ireland, which he never considered should have been mixed up with the question; and if he had not had a high opinion of those whom he had formerly supported, he would say that the apprehension of a famine in Ireland had been mixed up with the measure from an anxious attempt to make hon. Members surrender their judgment to their leader. He did not, however, believe that in the measures that had been lately proposed, Her Majesty's Ministers were actuated by any such feelings; but supposing a designing man to have changed his opinions, and on that account wished to force others to adopt his altered view of things, he could have conceived such an expedient as mixing up an alleged calamity with other matters for the purpose of obtaining a particular end. He begged, however, to be understood that he acquitted the Government from any such charge. With respect to the state of commercial affairs demanding the change, he believed that in the autumn of the last year, as far as his information upon the subject permitted him to give an opinion, all the interests of the country were in a state of prosperity. At the present moment it was true there might be some depression in the manufacturing districts; but he believed that stagnation might be assimilated to the courser inhaling new breath previous to a fresh start, and not to a general depression. Moreover, it should be borne in mind that the right hon. Baronet (Sir Robert Peel) had stated the probability of some change of the kind taking place, which might have caused some temporary inconvenience, but which could not have led to any permanent disarrangement. Next came the question whether, if the right hon. Baronet thought the change necessary, he was well-grounded in thinking that it could be adopted with safety? He was decidedly of opinion, looking at the ultimate effect, that the safety of adopting such a measure would be extremely questionable. He could not say that he was apprehensive of bad results this year, or probably the next; but from his own experience he regarded in a dubious point of view the assurance which the right hon. Baronet at the head of the Government had made—namely, that the conclusion he had arrived at was, that the

effect upon agriculture would be very slight. The right hon. Baronet had, however, refrained from stating the extent of the effect which he considered the passing of this measure would have upon the agricultural interest. He had great respect for the right hon. Baronet; but he could not adopt his opinions upon this subject to the exclusion of his own. When he brought to mind the low price of corn at the Continental ports, and the facility for its cheap production in foreign countries, he could not imagine how Her Majesty's Ministers could satisfy themselves in bringing forward a measure having for its object the total annihilation of all protection to native produce. With such facts before him as the returns of the averages at foreign ports, he could not permit the assurance of the right hon. Baronet to lull his alarms. He feared the measure would pass, and he regretted it, for he apprehended that the greatest injury would ensue to this great community, but more particularly to that section of the agricultural body who cultivated poor lands, and who must be seriously injured by a diminution of prices. True it was that after a time poor lands might be converted into pasture land; but then it could only be by an arrangement with the landlord, because such conversions were often attended with very considerable expense. He believed that so inexhaustible was the quantity of foreign corn, that unless our prices were brought to the level of the continental, the deluge of continental corn would be immense. They would find that the soil and climate of the southern States of America were peculiarly adapted for the cultivation of the cotton plant, and that the price of cotton in those States regulated the price of cotton to the producers of that article in other parts of the world. This remark held equally good with respect to indigo; and as it applied to cotton and indigo, so it would apply to foreign corn, for the price of the latter grain in the greatest market would be sure to regulate the price in all other places. He would not say that Government should not adapt the Corn Laws to the circumstances of the country; but he did not think that anything had occurred to justify the proposal of a total abolition. If they had brought forward a measure proposing a lower scale of duties for three years, or perhaps a fixed duty, with the view of seeing the effect of such a measure, he would have said that they had acted like cautious people, and that there was nothing like the rashness of the present proposal about it; but he confessed he did not see the sense of their pledging themselves in 1846 as to what they would do in 1849, when the three intervening years might show them that they were in a wrong course. And if he thought this unwise in any one, he thought it peculiarly unwise in a Government which in 1842 did not know what they were to do in 1846, and who in 1846 repudiated their own measure of 1842. For these few reasons he should give his vote against the second reading of this Bill. If he wanted other reasons, he should find them in one of the paragraphs of Her Majesty's Speech, or rather the Speech which the Government had put into the mouth of Her Majesty, at the commencement of the Session, because he thought that the measures were not accompanied with such precautions as would prevent permanent loss to the revenue, or injurious results to any of the great interests of the country. Before sitting down he wished to say a few words upon the petitions which had been presented at the commencement of this stage of the discussion by the right hon. Baronet at the head of the Government. These petitions were said to have been signed by most of the respectable merchants of Liverpool and Manchester, and complained that the trade of the country was in a state of great stagnation in consequence of the prolongation of the discussion. Now he did not think it necessary to ask hon. Members to rely on his assertion; but he begged to state it as a fact, and let any Gentleman connected with the trade of the country contradict him if he asserted what was not the case, that the stagnation affected every article, whether it were in the Tariff or not. Sugar, tea, coffee, and cotton, were equally in a state of stagnation with the articles in the Tariff. But, if the right hon. Baronet had asked the persons who signed these petitions whether or not there were any extensive engagements that parties in Lancashire and the north of England had entered into with the great railroads, and whether these did not interfere with the course of trade, he would have found out that these were much more likely to have caused the embarrassments in trade under which the country was now labouring, than the allegations made in the petition presented by the right hon. Baronet. When the noble Lord opposite should come into power—as he was likely soon to do—he would find the same distress which the

country was now suffering, if some means were not discovered of checking the immense absorption of capital; and the noble Lord would probably be charged with being the cause of that distress, to which he would be as little amenable as the Government of the right hon. Baronet was to the credit of the prosperity which succeeded their accession to office in 1842. He believed that that success had nothing to do with the change of Government—that it was the inevitable consequence of three or four years' previous depression of trade; and he believed that if the country had never been blessed with the present Government, we should have had the same number of years of prosperity as we had had under their rule. He believed also that the present stagnation was partly attributable to the immense exports of last year. The hon. Gentleman concluded by declaring his intention to vote against the second reading of the Bill.

SIR ROBERT PEEL said: Sir, the hon. Gentleman who spoke last appears to have repented of the neutrality which he observed on a former occasion, and to have determined to make up for that neutrality by the sharpness of his present attack. I have heard, indeed, from one hon. Gentleman, the Member for Newark, a young Member of this House, that I have been treated with marked forbearance during the discussion upon this measure. I think, then, that under the circumstances I might have expected a little more indulgence from the hon. Member for Winchester. I did, it is true, present two petitions, one from Manchester, and one from Liverpool; and the hon. Gentleman is so captious, that he finds even in the performance of that duty grounds for making an attack upon me. All I did, however, was to state the prayer of these petitions. The petitioners are connected with the manufacturing and commercial interests of the country; and I think that the hon. Gentleman, considering the community of occupation between himself and the petitioners, might have allowed them unquestioned to speak for themselves. The petition from Manchester was signed by the President of the Chamber of Commerce—a body entertaining strong political opinions, and many of whom have been connected with the agitation for the repeal of the Corn Laws. In order, however, to show the unanimity of opinion which prevailed upon this question, the petition was also signed by the President of the Commercial Association—a body holding political opinions of an opposite tendency to those entertained by the Chamber of Commerce; but they, notwithstanding, on this subject came to the same conclusion. To the same conclusion came all the bankers of Manchester; as did also, I believe, the vast majority of the inhabitants of that town connected with great manufacturing establishments. These parties concurred in addressing a petition to this House; and they concurred in attributing the stagnation of trade to the prolongation of the debates; and expressed their opinion that the stagnation will continue until the decision of this House shall be finally pronounced upon the question: praying, therefore, that the House will, at as early a period as may be consistent with mature deliberation, come to a decision upon the subject. Sir, the hon. Gentleman is a proof of how exceedingly difficult it would be to devise any measure connected with the Corn Laws which shall please all parties. But I think the hon. Gentleman stands almost alone in this House upon this question. The hon. Gentleman who so violently attacks the measures of the Government, says, if we had proposed a cautious measure of this nature—that the scale of duties which I propose to exist for three years should be carried into execution, and at the end of that period there should be a fixed duty—he would have been inclined to vote for such a proposal. He has not quite made up his mind whether he would vote for it or not; but still he is so favourably disposed towards it that he thinks he should have been inclined to adopt it. Well, I think he is the only man in the House who would have supported that proposition. The hon. Gentleman makes another charge against me, at which I am somewhat surprised. He says, that every Irish Member ought to be indignant with me for interposing delay, instead of relieving the distress which prevails in Ireland. Indignant with me! I am not conscious of occasioning any delay. Circumstances may have interposed obstacles for which I feel regret; but that the hon. Gentleman has any right to rouse the indignation of the Irish Members against me for interposing delay in the way of extending relief to the distress which prevails in Ireland, I entirely deny; and it is a charge which I think cannot be fairly made against me by any hon. Member of this House. I am extremely unwilling, at this protracted stage of the

debate, to refer to personal matters; and were I a private individual, I would pass by all such accusations as I have heard made against me. I am so conscious of having acted throughout from pure and honourable motives, I am so supported by the conviction that I have abandoned no duty, and betrayed no trust—[*Interruption*]—well, if it be your impression that I have, at least after the accusations which have been preferred, you will concede to me the privilege of defence, and will listen with patience to the answer which I have to give you. Observe, throughout these debates I have not quarrelled with any man for offering his opposition to the opinions which I now profess. I have respected in others the maintenance of their former opinions. I knew not by whom the measures which I proposed would be supported on this side of the House. I can say with truth, that I have attempted to influence no man. I have listened to the attacks made upon me with sorrow, but not with anger. I admit it is natural that hon. Gentlemen should retain their opinion; but if they do not respect in me that privilege which I concede to them, at any rate I entreat them, from a sense of justice, to hear with patience my defence. As I said, if I were a mere private individual, strong in the conviction that I have acted from nothing but a sense of duty, and from pure and honourable motives, I would have let these accusations pass by; but I am not in the situation of a private individual, and it is right that, as Minister of the Crown, I should vindicate from the attacks made upon it my conduct as a Minister of the Crown. I have been asked—it is not, I know, quite regular to refer to former debates, and I shall not encroach upon the rule of the House by express reference to the debates—but the House will permit me to refer in general to the questions which were put, and to the charges which were made, since I have had an opportunity of last addressing the House. It was said then, in the course of the late debate, that I had expressed an opinion that the charge of this measure for the adjustment of the Corn Laws would have been committed with much greater propriety to other hands than mine. And yet it was observed that I had proposed to the Cabinet to undertake the conduct of this measure, and that if the Cabinet had been unanimous the conduct of it would have been committed to my hands. Further, it was remarked that there was thus an apparent inconsistency between the opinion that it would have been better to submit the proposition to other hands, and my undertaking, had the Cabinet concurred with me, to propose the permanent adjustment of this question, as a consequence of the temporary suspension of the law. Sir, I did pronounce an opinion that it would have been better, under any ordinary circumstances, that others more entitled than I am to the credit of the success of this measure, should have had the conduct of it. And yet it is true that in the Cabinet I did propose, if the Cabinet concurred with me, to undertake the task of submitting the proposition to Parliament. On the 1st of November, I proposed, in concurrence with my right hon. Friends the Secretary at War and the Secretary of State for the Home Department, upon the ground of the reports from Ireland, to take that precaution against impending danger which I thought was a natural precaution, namely, the suspension, either by an Order in Council or an Act of Parliament, of those laws prohibiting the importation of foreign corn. I renewed that proposition at the close of the same month. I believe, had the measure proposed been simply the suspension of the Corn Laws, with a guarantee that the existing system should revive, I believe—I have no grounds for not believing—that there would have been no very serious difference of opinion on the subject. There might have been a difference of opinion as to the extent of the danger in Ireland; but had the measure been merely a suspension with a guarantee of revival, or at least that I would propose the continuance of the existing law, I am not sure that we should have had any difference of opinion on the matter. But I did distinctly refuse—I here admit it—I did distinctly refuse to undertake a guarantee for the revival of the existing law at the end of the period of suspension, and I did it upon these grounds. As I said before, I thought that suspension was a becoming and necessary measure. The right hon. Gentleman the Recorder of Dublin says that we were deluded by accounts from Ireland. He admits, however, that he was alarmed at the outset, and that the prevailing feeling through Ireland was one of alarm; but then he talked of as unfounded the reports made from time to time by official bodies in Ireland, It is very easy for an individual to neglect those reports; but those responsible for the well-being of the country—deeply responsible

should famine and disease come without precautions being taken to meet them—what are they, what is a Government to do—a Government receiving reports from all quarters—from the highest authorities—from private parties the most disinterested—what, I ask, would be the position of a Government which should meet such warnings with neglect? The alarm may turn out to be unfounded, and the precautions, therefore, superfluous; but do you think that when there is good ground, probable ground, for expecting a general and wide-spread famine, do you think that a Government ought, in such a case, to neglect to take precautions, even should those precautions turn out to be superfluous? Are you to hesitate in averting famine which may come, because it possibly may not come? Are you to look to and depend upon chance in such an extremity? Or, good God! are you to sit in Cabinet, and consider and calculate how much diarrhœa, and bloody flux, and dysentery a people can bear before it becomes necessary for you to provide them with food? The precautions may be superfluous; but what is the danger where precautions are required? Is it not better to err on the side of precaution than to neglect it utterly? I say that, with the reports received by Government, in my opinion we should not have been justified in neglecting that precaution. Of course, then, the question arose, "What will you do when the period of suspension shall have terminated?" Will you guarantee the revival of the law? That question was put to me. I said at once I cannot, and for many reasons. In the first place, in the last Session of Parliament I expressed a decided opinion that you could not long continue to apply different principles in respect to agriculture from those you had applied to other articles of commerce. I am told I made a sudden turn—that I surprised every one. Well, hear my defence. Speaking on the Corn Law, in the course of last Session, on the Resolution of the hon. Member for Wolverhampton, while I opposed that Resolution, I stated that I could not defend the existing law on many of the grounds on which it had theretofore been defended. I could not say that I thought the rate of wages varied with the price of corn. I could not defend the law on the ground that we ought to be independent of foreign supply. I stated expressly then, that in my opinion the same principle which formed our ordinary commercial policy must also be applied to agriculture. I was followed by the noble Lord the then Member for Sunderland (Earl Grey), who began his speech by stating expressly that I had made no objection to the first Resolution of the hon. Member for Wolverhampton. Here are his words—he said—

"In Sir Robert Peel's speech there had not been one word uttered attempting to contradict the two first Resolutions of his hon. Friend the Member for Wolverhampton. Had the last Resolution been worded to the effect 'that it was expedient that all restrictions on the importation of corn be gradually abolished,' the right hon. Baronet's speech would have been an unanswerable speech in support of the hon. Member's Motion."

Such was the speech of the noble Lord. Now what was the resolution of the Protection Society in the month of December? Hear it, and say whether the late declaration of opinion in my case can be considered as so sudden or surprising. The Protection Society, I say, came to this resolution:—

"That, in consequence of the declarations made by several leading Members of Government during the last Session of Parliament, it was evident that a further reduction would be attempted in the already greatly diminished amount of protection now afforded to agriculture, and that, in consequence of such interpretation being put on these declarations, an impression, well or ill-founded, is circulated, calculated to destroy all confidence in the stability of the present Corn Laws, and to arrest the progress now making in the improvement of inferior lands."

Such was the resolution of the Protection Society in December last, before they were or could be aware of the measures to be proposed by Government. [Mr. HUDSON made a remark, which did not reach the gallery.] Will the hon. Member for Sunderland have a little patience? His turn will come. Really these interruptions are very unpleasant. I continue then. When the question was put whether I would undertake a guarantee for the revival of the existing law, I said distinctly that such a guarantee on my part, after the opinions which I had expressed, would be inconsistent with my former declaration. Such a revival must have implied the permanent maintenance of the Corn Law. You must have roused all your energies in defence of it. Lords, Commons, and constituencies must have united for the maintenance, the permanent maintenance, of the existing law. To such an attempt it was impossible that I could have been a party. Another ground, Sir, upon which I delined to guarantee the revival was, that I thought the very fact of suspension would make it almost impossible to induce

Parliament to re-enact the present law. It would have been said, "The system has worked tolerably well in three favourable seasons, but at the first period of pressure you suspended it; you were obliged to do so." The proposal would then be, that after this suspension—that after this confession of the law's weakness—this impeachment of its adequacy—you should, notwithstanding, urge at the termination of the period of suspension its permanent revival. Sir, I confess I did not think that a very wise course to adopt. It has been justly remarked, during the progress of this debate, that when the noble Lord opposite (Lord John Russell), seeing how difficult it would be at times of scarcity to maintain a fixed duty, purposed that a power should be given to the Crown, by an Order in Council, to suspend that fixed duty—it has been truly stated that when that proposition was made, I decidedly objected to conferring such a power on the Crown. I stated that it would be futile, because the Crown, having once exercised the power of suspending the fixed duty, I felt assured, in the present state of public opinion on the Corn Laws, that it would be most difficult, or even impossible, to reimpose the duty. Now, the difficulty involved in the course proposed to me for adoption would be the same, with the difference that the fixed duty would be much lower than the actual amount of the sliding-scale. The proposal, in fact, would be that the sliding-scale having failed in its first exposure to severe trial, and it being thus found necessary to suspend it—the proposal would be, that after that suspension the same principle, worked out by the same machinery, should be re-enacted—should be again adopted. Well, supposing this course to have been adopted, at what period would it have been settled that the revival was to take place? The duties might have been suspended until September next. In the month of July, a few weeks before the time Parliament must separate, what would have been the state of this House on the question of whether or no the suspension should continue? Supposing there were entertained the apprehensions which I felt, and which I still feel, that this potato disease is not a mere temporary calamity—suppose there should be good grounds, probable grounds, for believing that the potato crop of next year would also be affected — suppose there should be, as there will be, disease in Ireland in consequence of want of food—suppose all these contingencies to occur—could the proposal, under the circumstances, be made that the old law should be permitted to revive? Further, suppose you are to have such a July as you had last season—such a month of continued rain as that which last year made "the boldest hold his breath for a time," would it have been, I put it to you, would it have been under these circumstances possible to have agreed to a renewal of the old law? Sir, I was not insensible to the progress of public opinion on this point. I do not say yield to it—yield to public opinion against your convictions; but I do say that that man is unworthy of holding office who disregards the progress of public opinion on such a question as the Corn Laws; and whether or no they are to be re-enacted after a period of suspension. You say they have been already suspended and already re-enacted. You say they were suspended in 1765 and in 1793; and that on both those occasions they were re-enacted, and that precedents are all in favour of their being re-enacted. Why, good God! can any man be so blind to the progress of public opinion on the Corn Laws since the year 1765, as to say that you can apply that precedent, and because the Legislature of that day could re-enact prohibitive duties, do you mean to say that we could do it now? If you act upon such principles—if you pay regard to such narrow, technical, Parliamentary precedents, without reference to public opinion, then I tell you that you will involve the country in a month in inextricable confusion. I am unwilling to make any statement now; but as I foresaw, when this proposition was made, it would break up the Government, and as I have the permission of Her Majesty to give any explanation with respect to the causes which led to that dissolution of the Government, I will rather than enter into any statement, read to the House the declaration I made of the ground on which I acted, and which, as I foresaw it would be of great importance, I made at the time in writing; that statement of my opinions I will now read. This was on the 26th of November, after the Government had instituted an inquiry into the apprehended scarcity, and taken precautions against the spread of fever that might be the consequence of that scarcity; in the instructions then issued, my right hon. Friends cordially concurred. But I foresaw that the issue of those instructions would compel a suspension of the law restricting the importation of food. And

this is the very point at which I wish to arrive—whether I should undertake after the suspension to propose to Parliament the adjustment of the Corn Laws. I did undertake it, and under these circumstances: As I could not propose the revival of the existing law—as I thought any slight alterations in the details of the present sliding-scale, any slight modifications, would be utterly unavailing for the permanent adjustment which would be the legitimate consequence of suspension: I did undertake to do that which in ordinary circumstances I certainly think ought to have been undertaken by others, and I did engage to meet the existing emergency, and to become responsible for all the consequences of suspension. I drew up then, and I read to my Colleagues, the memorandum I hold in my hand previously to the dissolution of the Cabinet.—The right hon. Baronet then proceeded to read the following document:—

"I cannot consent to the issue of these instructions, and undertake at the same time to maintain the existing Corn Law. Slight modifications of the existing law, as the consequence of these instructions, or immediately following them, would, in my opinion, answer no good end. The proposal of them would add to the difficulty of defending that portion of the Corn Law which it was sought to maintain. I think we ought to suspend the operation of the existing law for a limited period. There is conflicting evidence as to the degree of pressure from the scarcity of food; but there is that probability of severe pressure a few months hence that would in my opinion amply justify the precautionary measure of unrestricted import. We have written authority which would justify it, written authority which, should the anticipations of those from whom we receive it prove correct, would impose on us a heavy responsibility for having neglected a precaution which has been taken in former periods of scarcity in this country, and by some countries in Europe within the last week. But, independently of these considerations, the issue of these instructions fully justifies, if it does not requite the temporary removal of impediments to the free import of corn. They contain a proof not only that the crisis is great—not only that there is the probability of severe suffering from the scarcity of food; but the proof that we are ourselves convinced of it. It appears to me that the suspension of the Corn Law would be the course most consistent with these instructions. I will not refer to the preceding discussions in the Cabinet; but the issue of these instructions, placing on record our deliberate conviction as to the possible extent of the evil with which we have to contend as a new event. By acting now, the lapse of time since we last met in Cabinet would be accounted for. I am prepared for one to take the responsibility of suspending the law by an Order in Council, or of calling Parliament at a very early period, and advising in the Speech from the Throne the suspension of the law. I conceal from myself none of the difficulties that attend a suspension of the law. Suspension of the law will compel a very early decision on the course to be pursued in anticipation of the period when the suspension would expire. Suspension will compel a deliberate review of the whole question of agricultural protection. I firmly believe that it would be better for the country that that review should be undertaken by others. Under ordinary circumstances I should advise that it should be so undertaken; but I look now to the immediate emergency, and to the duties it imposes on a Minister. I am ready to take the responsibility of meeting that emergency, if the opinions of my Colleagues as to the extent of the evil, and the nature of the remedy, concur with mine."

I, therefore, Sir, thought that the adjustment of the Corn Laws would be the natural consequence of the suspension of the laws. I felt that it would be inconsistent with my duty to suspend the law, and then to run away and leave it to others to deal with the consequences. I was prepared then to propose an adjustment of the question of duties on foreign corn—I was prepared to do so had my Colleagues agreed with me, notwithstanding the declaration which I made then, and which I repeat now, that under ordinary circumstances I should have preferred that the task should have been left to other hands than mine. If there be any inconsistency in that, I am ready to incur the blame of it; but I confess I think the course I adopted, the natural and fitting course for a Minister in my position. I was, however, in a minority in the Cabinet. When there was no longer unanimity amongst my Colleagues, I despaired of success in carrying the measures I intended, and therefore the Cabinet was dissolved. My hon. Friend the Member for Dorsetshire blames me very much because, after resigning, I wrote a letter to Her Majesty stating the course I intended to pursue. He says that was a most unconstitutional and a most unusual act. Unusual I admit it to be, but the circumstances were altogether unusual. Unconstitutional I cannot admit it to be. That a Privy Councillor should state to his Sovereign what course under very peculiar circumstances he was prepared to pursue, I cannot admit to be unconstitutional. A Peer has a right to seek an audience of Her Majesty, and tender his advice; a Privy Councillor has a right to do so also. True, my official relation to Her Majesty had terminated; I was no longer a Minister, but being a Privy Councillor I conceived I had a perfect right to intimate to Her Majesty—I did it with a view of preventing embarrassment—having advised certain measures, having been prepared to propose them as a Minister, I had a right to state

what those measures were, and that, as a private Member of Parliament, I would give to them a cordial support. And what were the circumstances under which that assurance was conveyed? My hon. Friend says that I prevented the formation of a Conservative Government—of a Protection Government, I mean. I did no such thing. [Mr. BANKES: What I said was, that you prevented a dissolution of Parliament.] The circumstances under which I wrote that letter, which my hon. Friend complains of as unconstitutional, were these —[Mr. G. BANKES] — I beg pardon, I did not say unconstitutional.] Oh, then, the whole matter falls to the ground. [Mr. G. BANKES: I said it was unprecedented and dangerous as an example.] Well, that is very like unconstitutional. An hon. Member, I think, told the House that he did not say "gross exaggeration," but "great exaggeration;" and now my hon. Friend tells us, that he did not say "unconstitutional," but "unprecedented and dangerous." Unprecedented! and were not the circumstances unprecedented? I felt it my duty—my right hon. friends around me took the same view, and felt it their duty—to quit Her Majesty's service; it was distinctly intimated to me that those of my Colleagues who differed from me were not prepared to form a Government themselves, nor yet to advise the formation of a Government upon the principle of protection; the noble Lord (Lord J. Russell) and Lord Lansdowne declined to undertake the Government, until they had an assurance that others, who might be presumed to have a majority, were not ready to undertake the Government. Her Majesty sent for the noble Lord opposite—the noble Lord was in a minority of ninety—and it was proposed by Her Majesty to him that he should undertake the formation of a Government. The circumstances were unusual; but I ask any man to judge whether under such circumstances the course which I took in giving an assurance to Her Majesty that the measures on the subject of the Corn Law which I was willing to propose as a Minister, I would cordially support as a private Member of Parliament, was either justly blameable or dangerous to the State? Of course the noble Lord was entitled to ask, "What are my prospects, I do not say of carrying on the Government permanently, but of adjusting the Corn Law? Nothing could induce me to undertake it excepting the prospect of success; what is the support I may expect?" I anticipated any such question, by enabling Her Majesty to inform the noble Lord of the course I had myself taken; and as others were not prepared to form a Government, I felt it my duty to intimate to Her Majesty that I would cordially support the measures I had advised in office. If it is unprecedented, it is because the circumstances are unprecedented; but I see nothing in it either blameable or dangerous in the slightest degree as an example. But my hon. Friend says, he did not object to it as impeding the formation of a protection Government, but as preventing a dissolution; and my hon. Friend and others have blamed me for not advising a dissolution of Parliament. In my opinion it would have been utterly inconsistent with the duty of a Minister to advise a dissolution of Parliament under the particular circumstances in which this question of the Corn Law was placed. Why should it be so utterly impossible for this Parliament to deal with the present proposition? After its election in 1841, this Parliament passed the existing Corn Law which diminished protection; this Parliament passed the Tariff, destroying altogether the system of prohibition with respect to food; this Parliament passed the Canada Corn Bill; why should it exceed the functions of this Parliament to entertain the present proposition? But, upon much higher ground, I would not consent to a dissolution. That indeed, I think, would have been "a dangerous precedent," for a Minister to admit that the existing Legislature was incompetent to the entertainment of any question; that is a precedent which I would not establish. Whatever may have been the circumstances that may have taken place at an election, I never would sanction the view that any House of Commons is incompetent to entertain a measure which is necessary for the well-being of the community. If you were to admit that doctrine, you would shake the foundations on which many of the best laws are placed. Why, that doctrine was propounded at the time of the Union between England and Ireland, as it had previously been at the time of the Union between England and Scotland; it was maintained in Ireland very vehemently; but it was not not maintained in this country by Mr. Fox. It was slightly adverted to by Mr. Sheridan at the time when the message with regard to the Union was delivered. Parliament had been elected without the slightest reason to believe it would resolve that its functions

were to be fused and mixed with those of another Legislature, namely, the Irish Parliament; and Mr. Sheridan slightly hinted it, as an objection to the competency of Parliament. Mr. Pitt met that objection, at the outset, in the following manner. Mr. Pitt said—

"The first objection is, what I heard alluded to by the hon. Gentleman opposite to me, when His Majesty's Message was brought down, namely, that the Parliament of Ireland is incompetent to entertain and discuss the question, or rather, to act upon the measure proposed, without having previously obtained the consent of the people of Ireland, their constituents. This point, Sir, is of so much importance, that I think I ought not to suffer the opportunity to pass without illustrating more fully what I mean. If this principle of the incompetency of Parliament to the decision of the measure be admitted, or if it be contended that Parliament has no legitimate authority to discuss and decide upon it, you will be driven to the necessity of recognizing a principle the most dangerous that ever was adopted in any civilized State —I mean the principle that Parliament cannot adopt any measure new in its nature, and of great importance, without appealing to the constituent and delegating authority for directions. If that doctrine be true, look to what an extent it will carry you. If such an argument could be set up and maintained, you acted without any legitimate authority when you created the representation of the Principality of Wales, or of either of the counties palatine of England. Every law that Parliament ever made, without that appeal, either as to its own frame and constitution, as to the qualification of the electors or the elected, as to the great and fundamental point of the succession to the Crown, was a breach of treaty and an act of usurpation."

Then, Mr. Pitt asked, if they turned to Ireland herself, what would they say to the Protestant Parliament that destroyed the exclusive Protestant franchise, and admitted the Roman Catholics to vote, without any fresh appeal? Mr. Pitt went on:—

"What must be said by those who have at any time been friends to any plan of Parliamentary Reform, and particularly such as have been most recently brought forward, either in Great Britain or Ireland? Whatever may have been thought of the propriety of the measure, I never heard any doubt of the competency of Parliament to consider and discuss it. Yet I defy any man to maintain the principle of those plans, without contending that, as a Member of Parliament, he possesses a right to concur in disfranchising those who sent him to Parliament, and to select others, by whom he was not elected, in their stead. I am sure that no sufficient distinction, in point of principle, can be successfully maintained for a single moment; nor should I deem it necessary to dwell on this point in the manner that I do were I not convinced that it is connected in part with all those false and dangerous notions on the subject of Government which have lately become too prevalent in the world."

Mr. Pitt contended, therefore, that Parliament had a right to alter the succession to the Throne, to incorporate with itself another Legislature, to disfranchise its constituents, or associate others with them. Why, is it possible for a Minister now to advise the Crown to dissolve Parliament, on the ground that it is incompetent to entertain the question what this country shall do with the Corn Law? There could not be a more dangerous example, a more purely democratical precedent, if I may so say, than that this Parliament should be dissolved on the ground of its incompetency to decide upon any question of this nature. I am open to the charge, therefore, if it be one, that I did advise Her Majesty to permit this measure to be brought forward in the present Parliament. Now I am not aware of any other matter of mere personal character brought forward against me; there is no one part of my personal conduct of which I am not ready to give a full explanation; if I have omitted any, it has been unintentionally, and if any hon. Member has any question to put to me, I will answer it. Then I come to the question itself—Is it for the public interest—is it advisable, that, under the present circumstances of this country, in the present state of public opinion, we should now either refuse to modify the law, in order to meet the case of Irish distress, or that, having modified it, we should have a new Corn Law, or that we should try to adjust permanently this question? The hon. Gentleman who spoke last says—

"You might have dealt with maize and nothing else; maize is the food the Irish people require, and why not admit maize and nothing else?"

Why, if you want to undermine this Corn Law effectually, it will be done by taking such a course as that—by holding out to a people suffering under severe privation that maize is food good enough for them, and that the law as to maize shall be altered, but that as to wheat, barley, and oats you will not permit a letter of the law to be touched. If you were to venture to make such an experiment upon public opinion, you would rouse a storm of indignation against the law you attempted to maintain such as would make it impossible to maintain it. And what is it you would do with respect to maize? There is a duty of 8*s.* on it now. Our doctrine is, that the Government cannot support the people of Ireland; that we can do nothing without earnest local exertions; we all say that those local exertions ought to be made, that the duties of charity are imperative

though they cannot be legally enforced, that it is the duty of the landlords of Ireland, and of all classes possessing property, to co-operate with us in mitigating the evils of this great calamity. It is all very well for us to pay the duty upon maize or oats, paying with one hand and taking with the other, as we distribute it to the people ; but what are we to say to those whom we are inciting to acts of charity? Are we to say to them, that potatoes are failing, and other food must be supplied, but that they shall pay an 8*s.* duty upon maize, and an 18*s.* upon wheat, and there shall be no relaxation of that law? Say what you will, about this Irish distress, mitigate it as much as you please—do you think it would be possible (even with the extent to which you cannot deny that it exists), to vote half a million of money from the English Treasury for the support of the Irish people, and to incite Irish proprietors to acts of charity, and to the purchase of food for the support of the famishing people ; and yet, in the face of every country in Europe that is at this moment threatened with scarcity, Holland and Belgium, the Russian provinces, and within these four or five days the whole kingdom of Bavaria, and after they have adopted that which the heart of every man tells him is the natural precaution to take, namely, the removal of impediments to the free import of food ; yet, say that you will make no relaxation whatever in the existing Corn Laws? I believe that would be hardly possible. The right hon. Gentleman the Member for the University of Dublin (Mr. Shaw) says he cannot deny that there does exist a great scarcity in Ireland. I took down his words. What said he? He said—

> "I cannot deny that there is a great scarcity, and also that there is great danger of disease; but these are common things in Ireland—this is the normal state of Ireland. A large portion of the Irish people," said he, "are always living on the verge of destitution. There has been no year in my recollection when the same statement as to disease might not be made."

Well, be it so; that, you will say, goes some way to nullify the argument in favour of the present proposition. But, in the face of that declaration, will you tell me that this is a labourer's question? Will you say that the maintenance of protection is for the benefit of the Irish agricultural labourer, if protection has brought him to this? In that part of the United Kingdom, which is almost exclusively agricultural, which may be said to depend on agriculture, has protection brought you to this—that, speaking of the agricultural labourers, a large portion of the Irish people are "always living on the verge of destitution?" Is it true, "that there has been no year within your recollection when the same statement might not have been made?" Well, be it as you say. Admit that this is the permanent, the usual state of Ireland—does that afford any strong argument for the maintenance of the existing Corn Laws? But you will answer, if that has been the permanent state of Ireland, why did not you introduce this measure before? Surely, however, that is no reason against our doing it now. You are so pressed by the force of the argument, that the only answer you can make is, "Why did you not do it before?" Well, no doubt we might have done it before. Perhaps we have neglected at former periods our duty; but is that any reason why we should neglect it at present? If you have a potato-fed people, and consequently many millions depending on the supply of an article of food like the potato, subject to such diminution of quantity and deterioration of quality as we have been visited with in this year—if that be the permanent state of Ireland, does it not afford a paramount reason for attempting to effect some permanent change, and not merely supplying a temporary remedy? I think to do nothing would be impossible. To modify the existing law—to propose as a permanent system such a change in the law as that proposed by the hon. Member for Southampton (Mr. Mildmay)—a sliding-scale for three years and then a fixed duty—such a change as that would only encourage agitation on the one hand, while by the agricultural body it would be rejected with scorn—laughed at—scouted. Such an arrangement would effect no good, produce no benefit. Then what is left? Is there any alternative but trying to lay the foundation for an ultimate adjustment, by repealing those laws? My firm conviction is, that it is for the interest of all, of the agricultural interest in particular, that this in the present state of affairs is the safest course. The hon. Member for Newark asked me repeatedly whether I meant to ruin the agriculturist interest? Sir, I attach the utmost importance to the prosperity of the agricultural interest. ["Oh!" *and ironical cheers from the protection benches.*] Why, I don't know for what reason I have not as much right to feel an interest in the prosperity of agriculture as

any of those who received that sentiment with scorn. Why, what possible interest can I have to injure that interest? I attach the utmost importance to it. I think, for great political reasons, it is of the utmost importance that the agricultural interest should have great weight and authority in the government of this country. I think, with Burke, that land is the safest basis of political power. He says, "All the writers,"—and he quotes Aristotle as speaking of the Grecian States, and Cicero as speaking of Rome—"All the writers on politics have attached the utmost importance to land, and have declared that it is the safest basis of a sound and permanent Government." I concur in that opinion, and deeply should I deplore the day when the landed interest of this country should be excluded from its full share in its councils and legislation. But Burke adds, with equal truth, that, fortunately for this country, land has directed its councils, the reason being that the landed aristocracy and the landed proprietors have never been as a class dissociated from the general interest, but subjecting themselves to the influence and the progress of public opinion, and proving their unity of interest with all. Why, that is just the question. By what means shall we secure the continuance in the just influence of the landed interest of this country? Is it by maintaining your privileges on the ground of the exclusion of food? ["No!"] Well, then, on the ground of taxation on the importation of foreign corn? I will call it by which name you wish; it is not, certainly, the "exclusion" of food. But the question is, will it more conduce to the permanent, just, and legitimate influence of the land in this country that these Corn Laws should at length be repealed, or that they should be continued in all their integrity? Now, my firm conviction—accuse me of treachery if you please—is, that you will fortify and maintain the influence of the land by this arrangement, rather than, in the present state of public feeling, by pertinaciously insisting on maintaining the present laws. Look, for example, at the tax on butter. That, at any rate, is not a tax of 400 or 500 years' standing. The taxes on butter and cheese were introduced within a few years. Why should the removal of those taxes be construed into any assault on the privileges of the landed interest? Let us consider the bearing of this question of the Corn Laws on the great interests of this country, upon the land and the landed aristocracy, the legitimate influence of which I hope to see maintained for ever. We have to deal with a population which by the last census, that of 1841, consisted of about 19,000,000 people. [An hon. MEMBER: Twenty-seven.] I am excluding Ireland; if I were to include Ireland in my present calculation I should greatly fortify my position. In this country we have 19,000,000 of people. Now, how are they divided? You have of persons engaged in or connected with the agricultural interest about 1,500,000, not including women and children; of landed proprietors, farmers, and occupiers of land, and persons above and under twenty years of age, employed in agriculture, about 1,500,000; you have of labourers engaged in other occupations about 761,000, including all those classes who labour in mines and quarries, and so on; of persons engaged in trade and manufactures, including all the commercial and manufacturing classes, you have 3,111,000; 200,000 persons belonging to the learned professions, including educated persons following miscellaneous occupations; 511,000 persons independent or living on their fortunes; and 200,000 paupers, lunatics, and so on. Now, just considering what a vast proportion of that great mass of people, 19,000,000 altogether—what a vast proportion of that mass consists of people who earn their subsistence by manual labour, and must subsist upon wages under 30*s.* a week? And just consider how taxation, wholly apart from the tax on food—just consider, I say, how taxation for the State presses on that class of the community. You raise about 32,000,000*l.* of taxes by the Customs and Excise. Take those articles which enter into the consumption of a family, the head of which earns less than 30*s.* a week. I have returns here of those articles which are in weekly use by families of that class. Now, what are these articles, independent of bread? They are butter, cheese, a little meat, bacon, lard, candles, soap, and a little tobacco. Hardly any one of those articles is free from being taxed. Let us see what is the influence of taxation on that class of the community. It is inevitable, with a system of indirect taxation, that they must pay heavily; but I know, if the burden presses unjustly upon them, it is from no want of sympathy on the part of the gentlemen of England; it is, however, inevitable: we must raise a great part of our taxation by indirect taxes, and the burden will be unequally distributed. You have, and my belief is, that you have

established a just claim to the confidence and the gratitude of this country, relieved those classes to some extent. You did take upon yourselves the burden of raising 5,000,000*l.* a year by means of the Income Tax, not only to supply a deficiency, but to relieve the labouring classes from some of the taxation that pressed too heavily upon them. In order that I may be perfectly accurate, I will here state, from documents which I hold in my hand, the actual consumption of a labourer, earning 10*s.* a week in summer, and 9*s.* a week in winter, he having a wife and one child. This is an actual return of the consumption of this one individual and his family. He bought four gallons of bread—but put that out of the question at present—he bought 1½lb. of cheese, some bacon, some salt meat, some butter, some tea and sugar, some candles, and some soap. Now, with the exception of candles, the duty on which was removed very recently, all these things are taxed. By the Tariff now proposed, we remove the duty from bacon and from salt meat, and we diminish the duty on butter and on cheese. Can you repent that I have made that proposition? The man died, leaving a widow and a child. The widow earned 4*s.* 6*d.* a week, and the guardians allowed her 1*s.* 6*d.* for the child; and this was her weekly expenditure—rent, 1*s.* 6*d.*; candle and soap, 4½*d.*; butter, 2¾*d.*; tea, 1½*d.*; sugar, 2*d.*; and with her expenditure for bread she was left with only 1*s.* 8*d.* for firing, shoes, clothes, &c., all of which it was very difficult for her to buy out of that sum of 1*s.* 8*d.* Even in that case the soap and the candles, the butter, the tea, and the sugar, all were taxed. Now, Sir, let me take the case of a Yorkshireman spending more money, living on better fare, and earning more wages. This, too, is a *bonâ fide* return of actual expenditure. This man earned 15*s.* or 16*s.* a week, out of which he spent 14*s.*, and the expenditure was thus—meat, 2*s.*; sugar, 7*d.*; cheese, 7*d.*; soap and candles, 3½*d.*; butter, 8*d.*; tea and coffee, 1*s.* 6*d.*; and oatmeal, 7½*d.*, making altogether 6*s.* 3*d.* What was the expenditure of that man for wheat flour? No less than 8*s.* a week out of 14*s.* Every week he had to buy three stone of flour, which, for the last few years, had ranged at 2*s.* 8*d.* a stone. Six shillings he spent upon all other necessaries, but wheat constituted the great part of his expenditure—on wheat flour he was compelled to spend more than one-half of his wages. Now, supposing the abolition of the law were to cause some reduction in the price of wheat flour—just ask yourselves this—suppose it does cause some reduction, are you not most materially adding to the comfort and the enjoyment of those classes? This is by far the most important aspect under which you can view the question. I know the real sympathy you have for the condition of the working classes. I do not agree with those who throw imputations upon your humanity. I know that the gentlemen of England are most sincere in their sympathy for the suffering of the poor, and earnestly desire to better their condition. I know that that desire actuates you as much, if not more, than any other class of the community; and I ask you to consider the expenditure of a working man, which I have laid before you. You cannot increase direct taxation with any advantage—I believe you would if you could. You raise 7,000,000*l.* by stamps, 5,000,000*l.* by the Income Tax, and 4,000,000*l.* by the assessed taxes. You may add to the Income Tax without at all benefiting the poor, as there are limits to this direct taxation. You may carry the tax upon capital to too great an extent, and although it falls at first upon the rich, it would end by more seriously injuring the poor than indirect taxation. Adam Smith says, "The first maxim with respect to taxation is, that every man shall contribute to the taxation of the State in proportion to the amount of property he enjoys under the protection of the State." Now, are you able to apply that maxim to the case of the Yorkshireman whose expenditure I have given you? I much doubt whether taxation does not fall much heavier on his class than upon us. The poor cannot resort to other countries where the scale of taxation is less than here. They are fixed as it were to the soil. They are tied to the labour from which they derive their subsistence, and undoubtedly taxation falls more heavily upon them than upon us. If you increase the assessed taxes, or the stamp duties, or the income tax, it does not follow that you will benefit the labourer. Indirect taxation may be more beneficial than direct taxation; but look how many of the articles which enter into the consumption of the poor man are heavily taxed; and then comes the question of bread, the expenditure on which consists of more than one-half of his income. When you say there will be a reduction in the

price of corn, and that the danger is there will be some reduction in rent as a consequence, you certainly have no sympathy for those with whom corn constitutes the greater part of their weekly expenses. The noble Lord the Member for Lynn required me to state what was my calculation with respect to the future price of corn. Well, I have repeatedly declined; and I know not how it is possible for any human being to make a calculation with regard to the probable price of corn hereafter. But the noble Lord said, "Well, if you will not answer that question, there is another question which you shall answer, and to which I pin you." In 1835 the price of wheat, on the average of the year, was 39*s.*; and the noble Lord says, "I insist upon your telling me what would have been the price at which foreign corn might have been imported, supposing there had been no duty upon corn in the year 1835." I say to the noble Lord, I am not prepared to admit that there would have been a reduction in the price of corn; I am not prepared to admit, as a necessary consequence, that if there had been established for some time previously a free trade in corn, there necessarily would have been in the year 1835 a lower price than 39*s.* That is my answer, which the noble Lord thinks a monstrous one, because the noble Lord has got a list of some few cargoes of corn bought at Dantzic and other places, and brought into this country at a profit for less than 39*s.* [Lord G. BENTINCK: They were returns which I read.] I do not doubt the accuracy of the return, but I say it is completely beside the question. It is no sort of proof whatever, because in 1835 some cargoes of corn were brought here, having cost at Dantzic 20*s.*, that if you had established a permanently free trade in corn, the price of wheat in this country would necessarily have been below 39*s.* I will give the noble Lord my reason for maintaining my proposition in opposition to his. I say there is no arguing from the price of corn upon the Continent in any given year, when the market of this country was not fully and fairly open to importation; and as the noble Lord says he relies upon Parliamentary returns, I also will rely upon Parliamentary returns. You sent Mr. Jacob, a man of great knowledge and great experience with respect to the Corn Law, in 1827, to the Continent to report upon the state of foreign corn, and you find in Mr. Jacob's report this principle laid down. He says:—

"In consequence of your excluding foreign corn by your high duties, there has been an accumulation of corn in many foreign markets."

He then says:—

"It is this accumulation which depresses the agricultural interest, by the exaggerated representation of its amount when we have an abundant harvest, and by the too rapid influx whenever the harvests are deficient."

I cannot think that in the years 1822 and 1823 wheat could have sunk so low as 38*s.* per quarter, if the ports had been ope nto foreign grain, and the surplus of continental Europe had been sent to this country as it was required.

"The penning up of wheat (continues Mr. Jacob) in countries of small extent soon creates a glut in such countries, although the quantity really accumulated there may be very minute, and such as, if distributed here, would produce no sensible decline in price. A few thousand quarters of wheat, for instance, in Holstein, Mecklenburgh, or Denmark, for which there was no foreign market, would reduce the price even below the half; the seller must take what is offered, and the reluctant buyer will offer a very low rate. A small sale fixes the price in such cases."

And that is the true state of the case. I apprehend that if you encourage production abroad by the hope of an extravagant price, and a good harvest causes a great accumulation on the Continent, then you will have wheat at a very low price; the needy seller will sell, and the cunning buyer will buy, and there will be profit though the price be very low; and the noble Lord argues that this exception is the universal rule, and that under a free trade the price of corn will necessarily fall. I differ from the noble Lord, and that is my reason for saying that I am not prepared to admit that if you open the ports, and have a regular dealing in corn with foreign markets, it will necessarily follow that the price of corn will be below 39*s.* As the noble Lord has referred to returns, I may also refer to them. The Consuls in the different corn-producing countries were required to state what quantity of corn, of each kind, could be exported to England from the country in which they resided, if the trade in corn was made constantly free at a moderate duty. What is the answer of the Consuls? The general average of price 40*s.* 6*d.*, free on board. The general average of freight 4*s.* 9$\frac{3}{4}$*d.* The average, free on board, of wheat, from St. Petersburgh, was calculated, by the British Consul, to be 39*s.* 1*d.*: freight from 4*s.* 6*d.* to 5*s.* At Dantzic, the price of wheat, in all ordinary years, the ports of England being open, was calculated at 40*s.*, and the price

of freight from 3*s.* 6*d.* to 4*s.* I am not including now the prices of landing and shipment in this country. I am only speaking of the average price of wheat and the average freight. The price at Stettin was calculated at 40*s.*, freight from 4*s.* to 5*s.*; at Hamburgh, 35*s.* to 46*s.*, freight from 2*s.* 6*d.* to 5*s.* 6*d.* Relying, then, upon the opinion of Mr. Jacob, that if you obstruct the trade in corn there will be occasional accumulations and very depressed prices, and that you will have the means of bringing it into the market on account of the accumulation at a low rate, and relying also upon the returns of your own Consuls as to what would be the probable cost of wheat in this country free on board, and the probable freight, provided there was free admission—relying upon these two Parliamentary Returns, the argument of Mr. Jacob, and the facts furnished by the Consuls, I again repeat that I am not prepared to admit that, with a free trade in corn, the price of wheat would be reduced below the 39*s.* 5*d.* which it bore in the year 1835. What was the fact? In the year 1822, of which Mr. Jacob speaks, and in the year 1835, you had no foreign import whatever; you had completely excluded foreign corn: it was not foreign competition that depressed your prices; but with full protection you had in 1822 a price of 38*s.*, and in 1835 a price of 39*s.* There is no pretence for saying that the price of foreign wheat had depressed prices here. In 1822 you moved for a Committee on agricultural distress. It was stated that the agricultural interest was suffering so severely that it was necessary to inquire what remedies could be applied; and, therefore, observe, the complete exclusion of foreign corn does not ensure you either from depression in price, or from severe agricultural distress requiring the appointment of a Parliamentary Committee. Then, in 1835, the other year to which the noble Lord referred, you had no foreign competition; you had a price of 39*s.* 1*d.*; but the depression of price was entirely caused by the abundance of your own harvest. In 1836, following the example of 1822—it being impossible to allege that foreign corn had, in either case, depressed your price or caused your distress—in 1836, as in 1822, a Parliamentary Committee was appointed, for the purpose of considering what remedy could be applied to agricultural distress. I have been attempting to show, looking at the population, looking at the bearings of taxation, what immense masses of people depend for the subsistence of their families upon their weekly earnings — taking those weekly earnings at less than 30*s.*—what enormous masses there are in this country who so earn their subsistence, and to whom the price of wheat is of the utmost importance in their domestic economy. I have shown you that it constitutes more than one-half of the expenditure in those cases where wheat is consumed; and I ask you, could you do anything more to benefit the social condition of that class than give them an assurance that they shall have wheat at a moderate price in this country? There might be a great depression in price; but if free trade in corn gives you a guarantee against such low prices as you have had under protection, a guarantee against such high prices as you have also had under protection, would be of inestimable advantage to the working classes. Suppose the price of corn were not depressed below 50*s.* or below 54*s.*, or any other sum that you can name—if you take a guarantee, by extending the sources and ranges of your supply, that it should not rise to 70*s.* or 80*s.*. by that act alone you would be conferring an inestimable advantage on the working classes of this country. Surely, no hon. Gentleman can now share in the alarm that, by widening the sources of supply, we shall establish a dependence on foreign countries, because he has shown you that the more you extended the area from which you drew cotton and indigo, the more you reduced the price and equalised the supply. We are about to admit maize and many other articles of subsistence besides wheat. Suppose wheat should fail. If you suppose that foreign countries would enter into a combination not to give us their wheat, still, by the law which we propose, we should have maize to rely upon, rice to rely upon; and I confess, if the two Tariffs shall pass and receive the sanction of the Legislature, I think it impossible for any one to entertain an apprehension that, by any combination of foreign nations, we shall be in danger of being exposed to an enormous rise in the price of corn. Taking the whole of these measures together, I do not apprehend the existence of any scarcity from a reliance upon an increase of the foreign supply of corn. I have hitherto been referring to the manufacturing class; and I think Gentlemen cannot deny that those who are connected with commerce and manufactures, and who earn their subsistence by their daily labour—I

think it cannot be denied that they have a direct and immediate interest in a moderate price of wheat. But it may justly be said, that to their interests the interests of the agricultural classes ought not to be sacrificed. I admit it—I admit it. I think the position of the farmer, the position of the agricultural labourer, ought to be a subject of equal concern at least with that of any other class in the country; and if we could, with truth, say that under a system of protection we had been able to exhibit a prosperous and contented class of agricultural labourers throughout the country, then I should be disposed to acknowledge that you had made out some valid objection to the proposed change. But, can we say, with truth, that throughout this country the position of the agricultural labourers has been such as I have described? [Colonel SIBTHORP: Yes.] The gallant Colonel says "yes." I say no. And I will now deal with that position—that the rate of wages of the agricultural labourer varies with the price of food. In manufacturing districts, I again say, it is my firm impression that his wages are more likely to vary inversely to the price of food, than directly. I am prepared to contend, and I think to prove, that there is no direct connexion between the wages of the agricultural labourer and the price of wheat. [A MEMBER: Yes.] If there is, then, how do you account to me for this? If the wages of the agricultural labourer vary directly with the price of wheat, why is it that wages are 8*s.* in Wiltshire, and 13*s.* in Lincolnshire? Take an agricultural county. I admit that in Lincolnshire wages are about 13*s.* In Kent too, for some reason or other, wages are high—they are not generally less than 13*s.* But take the case of those labourers who are most removed from the influence of manufactures. Take Somersetshire, Dorsetshire, Wiltshire, Cornwall—take Devonshire too. In the first place, I say that as you advance from purely agricultural districts to manufacturing districts, you find the wages of the agricultural labourer increased. But how direct is the sympathy between manufacturing prosperity and agricultural? The fact which you admit is, that in Somersetshire, Dorsetshire, Wiltshire, Devonshire, and those counties of England which are depending upon agriculture, wages are low; and in proportion as you advance to Northamptonshire and the midland counties, and on to Warwickshire, Staffordshire, Yorkshire, and Lancashire, you find the wages of the purely agricultural labourer increase as you approach the manufacturing towns. Is not this a very strong proof that the prosperity of manufactures increases the demand for agricultural produce? But see the position of the agricultural labourer, and see the lesson which we ought to derive from the gradual increase of his wages. Take a purely agricultural county—Dorsetshire, Somersetshire, or other counties in the south-west of England. If there is any direct connexion between the rate of wages and the price of wheat, why are wages in those counties at the existing rate, and why are they 13*s.* or 14*s.* in the midland counties? Because great skill and industry are employed in the latter districts. That is just what I want to prove. I am trying to show that a country naturally not fertile may be brought into fertility by the use of manure and the application of skill and capital, and that the effect of these is the same as that produced by the approach to a manufacturing town—to raise the wages of the agricultural labourer. I am trying to show that there are two causes of a high rate of wages for the agricultural labourer—the application of skill and capital, as, much to the credit of the agriculturists of Lincolnshire, those means are employed in Lincolnshire, or the approach to a manufacturing town. [Colonel SIBTHORP: They get a remunerating price for their corn.] A remunerating price for their corn! There is as remunerating a price in Wiltshire and Devonshire as in Lincolnshire. In those counties the farmer has equally the protecting duty of 18*s.*; at present that does not vary, but the rate of wages does. The gallant Colonel must see, without much stress upon his logical faculties, that there is some other cause for the variation of the wages of the agricultural labourer. Well, but how can we say that, with protection, the position of the agricultural labourer, in a purely agricultural county, is one which we approve of. You know you cannot. Do you not admit to me that in the social condition of the millions in the manufacturing districts, who earn their subsistence by the sweat of their brow, the price of wheat is of the first importance, and has become an object of the deepest interest? Have you read the Reports on the Health of Towns? Are you not deeply convinced that some effort ought to be made to improve the social condition of the masses of the population, who earn their subsistence

in the manufacturing towns? It seems to me that the first foundation of any such improvement is, that there should be abundance of food. You may talk of improving the habits of the working classes, introducing education amongst them, purifying their dwellings, improving their cottages; but believe me the first step towards improvement of their social condition is an abundance of food. That lies at the bottom of all. It is in vain, if the people are suffering under scarcity, or if any apprehension of scarcity prevails; the suffering, or the apprehension of it, so depresses the spirits, that it is vain for you to inculcate lessons of cleanliness, or to improve dwellings, until the people are provided with abundance of food. The experience of the last three years, and the experience of the three preceding years, has taught us a lesson which we ought never to forget as to the effects upon the social condition, the moral habits, and the happiness of the working classes, of an abundance of food. Is it possible to resist this conclusion from the observations that have been made? In a purely agricultural district, is it possible to say the rate of wages of the agricultural labourer has any direct connexion with the ratio of the price of wheat?—[An hon. MEMBER: Yes!] Well, now I will demonstrate that it has not. Observe, I do not mean to say that there may not be some increase in wages when prices rise. I do not mean to say that when wheat is very high, there is not an occasional increase of wages; but I think I can demonstrate that the rate of wages does not bear any proportion to the increase of price of food. I have here a return, and I will quote no figures which I am not prepared to communicate to any Gentleman connected with the counties to which they refer. They are the best test of the condition of the labourer, and communicate information which may be relied upon. I will take the variations in the price of wheat from the year 1837 down. I requested to have an account made up from the wages actually paid to agricultural labourers on particular farms from 1837 to 1844 inclusive. I begin then with the wages of agricultural labourers for eight years, from 1837 to 1844 inclusive, in the Sodbury Union, in the county of Gloucester. The labourer received money as well as beer. Here, then, is an account of the wages for the summer and winter weeks. Since 1837, the price of corn has varied very much. Why, in the present year it has varied from 45*s.* 1*d.* to 58*s.* 3*d.* I will read the price of wheat since 1837:—

In 1837 the price was	53*s.*	10*d.*
1838	64*s.*	7*d.*
1839	70*s.*	8*d.*
1840	66*s.*	4*d.*
1841	64*s.*	4*d.*
1842	57*s.*	3*d.*
1843	50*s.*	1*d.*
1844	51*s.*	2*d.*

Therefore, the price of wheat had varied from 70*s.* 8*d.* to 50*s.* 1*d.* within this period of eight years. Now, I dare say you will say, as writers upon political economy have already said, that the ultimate tendency of wages is to accommodate itself to the price of food. I must say that I do not believe it. But I should like to know what consolation it would be to the poor agricultural labourer to be told that the increase in the price of corn would have a tendency to increase his wages in perhaps a period of ten years? What consolation is it to tell him in 1839, that although he paid 70*s.* 8*d.* a quarter for his corn, he might be able to purchase it in 1843 for 50*s.* 1*d.*, when it was likely there would be a close approximation in the amount of his wages within that year? But I do not believe that there is that tendency. I tell you, now, what I think is more natural, namely, a tendency rather to substitute potatoes for wheat among the people of this country. I do not mention this fact with a view of using any acrimonious language in reply to acrimonious observations. I am dealing with matters of the deepest import. The allotment system has been much extolled; the adoption of which has been very extensively recommended from, I admit, the most benevolent motives. Taking individual cases, the possession of small allotments is no doubt of very great advantage to the labourers. I believe that every one admits that within certain limits the greatest advantage would be conferred upon the poorer classes, by the adoption of this system. That it would give them great comfort, independent of the physical advantage that they would derive from it. It would also give him an interest in the soil, a healthful occupation, and by making him a landed proprietor, it would give him great social advantages. But after all, what is the tendency of such a system, if extensively carried out? Is it not to create a kind of Irish peasantry, by the substitution for their food of potatoes for wheat? You will find that this would be the case—that potatoes would be substituted for wheaten

bread. According, then, as this system increases, you will be also increasing the dangers probably of such calamities as the people of Ireland are now suffering under, although, no doubt, in a much more mitigated state. Now, I should think it would be a very great calamity indeed, if we were to see potatoes used here instead of wheat. I believe that the higher the kind of food is which we introduce among the labourers, the security will be the greater for their permanent happiness and contentment. What is the fact? Just in proportion to the depressed condition of the labourers, is there a tendency amongst them to substitute potatoes for wheat. The labourer who has no allotment must depend for his subsistence upon wheat almost exclusively; and, therefore, the greatest proportion of his earnings goes for the purchase of wheat. The possession of an allotment has a tendency, no doubt, to improve immediately the condition of the labourer; but I am only speaking of the danger of carrying this system out to a very great extent, by inducing the substitution of potatoes for wheat. I have read the variations of the price of corn for several years. I will now refer to the variations in the price of labour. I do not mean that these quotations are the total amount of wages, because in harvest time there are always some additional allowances made; but these allowances are made in every year, so that we may strike these additions altogether out of our consideration. In the union to which I have referred, the price of wages averaged in snmmer 9*s.* a week, and 1*s.* for beer. The total average per week, including beer, for winter and summer, was—

In 1837	10*s.*	per week.
1838	11*s.*	,,
1839	11*s.*	,,
1840	11*s.*	,,
1841	11*s.*	,,
1842	11*s.*	,,
1843	10*s.*	,,
1844	10*s.*	,,

so that while the price of wheat varied from 50*s.* 1*d.* to 70*s.* 8*d.*, the price of wages in the same union within a like period varied only from 10*s.* to 11*s.* a week. From Blandford, in Dorsetshire, we had this reply:—

"The statement on the other side was given me by four different yeomen. It is only the first-rate labourer that gets 9*s.* in these parts, unless at piece-work or extra times, and then if the extra hours were reckoned up which the men work at piece-work, I do not think it would average more than 8*s.* to 9*s.* with the best men."

Now, at that place the average wages were—

In 1837 the price of wages was	7*s.*	per week.
1838	8*s.*	,,
1839	8*s.*	,,
1840	8*s.*	,,
1841	8*s.*	,,
1842	8*s.*	,,
1843	8*s.*	,,
1844	8*s.*	,,

Therefore, whilst the price of corn had varied from 70*s.* 8*d.* to 51*s.* 1*d.*, it was 48*s.* 6*d.* in 1836; wages have only varied rom 7*s.* to 8*s.* a week. There were extra earnings, such as piece-work, harvesting, &c., as I am aware; but those, for the reason I have given, I do not reckon; they might probably amount to 1*s.* more each week. That is the statement of one of these yeomen near Blandford. Another farmer states that wages in 1837 were 7*s.*; in 1838, 7*s.*; 1839, 8*s.*; 1840, 8*s.*; 1841, 8*s.*; 1842, 8*s.*; 1843, 8*s.*; 1844, 8*s.*—a variation of only 1*s.* in the rate of wages, notwithstanding the great variation in the price of wheat during the same period. I will take the rate of wages again, in Cornwall: from the Union of Bodmin, a person writes—

"In reply to your letter of the 8th instant, I beg to state that the rate of wages in this union has not varied from 1837 to 1844. Labourers have been in the habit of receiving 8*s.* or 9*s.* per week, during the whole of this period. Those who have had 9*s.* per week, have been supplied with wheat by their employers at 8*s.* per imperial bushel, and barley at 4*s.*; whilst those who have received 8*s.* per week have had to pay 6*s.* 8*d.* for wheat, and 3*s.* 4*d.* for barley, whatever may have been the price of grain."

Then from Barnstaple there is this communication:—

"I have inquired of several farmers residing in various parts of this union the amount of agricultural wages during the years 1837 to 1844 inclusive, and have ascertained that, in general, the sum paid was 8*s.* a week; some few farmers gave 9*s.*; but a much greater number only 7*s.* No rise or fall appears to have taken place during the eight years in question, except that in very dear seasons some employers supplied their labourers with corn at a reduced price; but I am inclined to think that they were not very numerous."

I will now take East and West Suffolk; and first, East Suffolk:—

"The variation of wages in this neighbourhood has been from 8*s.* to 10*s.* a week from 1835 up to the present time; and within that period the price of flour has varied from 1*s.* 3*d.* to 2*s.* 10*d.* the stone of 14 lbs."

That is to say, the wages increased one-fifth, while the price of flour had more than doubled. The communication proceeded—

"The supply of labour is greater than the demand in this neighbourhood, and the price of labour is, in fact, what the farmer chooses to give; but he invariably raises his wages and lowers them with the price of corn, though never in the same proportions. Consequently the poor are better off with low than with high prices. You will at once see that 8*s.* a week with flour at 1*s.* 3*d.* is better than 10*s.* a week with flour at 2*s.* 10*d.*, supposing the man's family to require from two to three stone of flour weekly."

Now, that is the state of things in East Suffolk. Next I will give you West Suffolk. The writer says—

"The general wages paid by the farmers of this parish have fluctuated from 9*s.* to 10*s.* per week; but the men employed at task work, such as thrashing, &c., have earned from 1*s.* to 2*s.* per week in addition. The variation in the rate of wages has certainly been caused by the fluctuations in the price of corn; but when wheat was selling at 20*s.* per coomb"—[a coomb is half an imperial quarter]—"I do not remember that wages were below 9*s.* per week; and when the farmers were realizing 35*s.* per coomb, 10*s.* per week was generally the amount of wages given. The result of my experience is, therefore, to show that although wages fluctuate, in a trifling degree, with the price of corn, they do not rise or fall in proportion to such price, and, therefore, that the labourers are best off when the prices are low."

There are occasionally extraordinary additions made to the labourer's earnings, and in harvest time his earnings are always increased; but these additions apply to all years alike, and therefore I have not reckoned them. Have I not then proved that it is impossible to gainsay that the present generation—the existing race of labourers—cannot be benefited in any way by the slow adjustment between the price of food and the rate of wages? Again, I say, I doubt the position that ultimately even there is any tendency between the two to approximate. But if I have shown that in these eight years—a long period in a labouring man's life—no rise at all in wages has taken place proportionate to the rise in the price of corn, I think I have shown so far that the rate of wages has no such connexion with the prices of food as to rise with them, but rather directly the reverse. I think I have succeeded in demonstrating that the rise in price of wheat operates almost immediately in favour of the agricultural interest. I put this to you in perfect good faith and sincerity. Do you think that you can maintain this system of protection much longer? and, above all things, are you not assured that we cannot maintain the existing law upon the ground of its being advantageous to agriculture? Adam Smith, whose name has been so often mentioned in the course of these discussions, tells his readers, and probably to the satisfaction of every impartial and intelligent man, that the rate of wages depends upon the country being in a prosperous condition. When there is abundance of capital, large profits, an active and healthy condition of agriculture, manufactures, and commerce, then will the rate of wages be high; and when the opposite state of things happens to prevail, then will the rate of wages be in a depressed state, and the working classes reduced to comparative poverty. General prosperity, and not legal enactments, produce a practical effect upon the rates of wages. It is by removing restrictions on manufactures and commerce that you create a demand for labour, and not by raising the price of food. Make the sustenance of mankind difficult of attainment, and you take a guarantee against the rise of wages. But remove restrictions upon agriculture, manufactures, and commerce—pass this measure—and then you at least save yourselves from the necessity and the odium of constant interference for the purpose of regulating the supply of food. And what is it that you relinquish? Well, I could prove to you, by returns from different parts of the country, not such as my right hon. Friend read to you, showing to you the extent of disease and distress, that there has been at least no panic in the price of food. I can adduce instances to you which would demonstrate this—I can point to eleven farms in Roxburgh that have become vacant since this measure was proposed, and in every one of these cases there has been an increase of rent—I can prove to you that enormous prices have been given for land in Scotland, and that where there is great capital and skill, there is no apprehension entertained as to the consequences of this measure. Even in Lincolnshire I can show you that farms have been let at an increased rent. I might, too, take the differerent counties, and show you that where there is the most agricultural skill there is the least alarm felt, and there is the greater tendency to take farms at an increased rent. Would you then, I ask, have a law maintained for bad farming and insufficient capital—that for them protection should be permanent; whereas for good farming and competent skill protection should not be required? I ask you, could such a law be justified? It is my firm belief that no general injury would follow from this measure. There may be,

of course, individual cases of suffering. There will, and there must be, the suffering of property which is encumbered with tenants having insufficient capital. There may be these individual cases; but it would be most unfair from these to draw an inference against a general law. But, admitting these few cases, let us compare the advantages which you will have in the security against ruinously high prices for food; and there will be to you the advantage and the comfort that you will not be responsible for that high price in times of scarcity of food—that these afflictions will be the results of the operations of nature and not of human laws. Leave trade free, and you will not be held responsible for untoward events over which we have not, and of necessity cannot, exercise any control. Looking, then, at the compensation which this measure furnishes; I do not mean compensation in the way of small equivalents, but, on the contrary, I refer to the security and the permancy of the law—looking to the advantages which the change now proposed must confer upon the labourer—looking to the benefits it will confer upon yourselves; I mean not merely the more obvious advantages likely to arise to your estates, but the less evident effects on the improvement of your position—seeing that you will be elevated by making this concession—I think I am not acting as the enemy of that interest, with which my own is so intimately connected, when I recommend this Bill to the acceptance of the House. I repeat that that which I advise is for the true interests of every class. I ask you, do you feel secure; and if you foresee that the present system cannot long be maintained, why will you not take advantage of a favourable time for effecting a change that very soon must come? You say that the present time is one of prosperity. Is not that a most powerful reason for making this concession? At the present moment you are free agents. An hon. Member said, that there was nothing to apprehend this year nor anything next year. Then you will not go the length of saying that you are safe for more than two years. Can there be a better proof that the present is not an unfavourable moment for effecting the alteration which this measure is intended to accomplish? Again I ask you how long do you think you can maintain the system of protection? I know, and we all know, that it cannot be made permanent consistently with that degree of good-will and harmony without which a nation cannot be happy or prosperous. No doubt the immediate cause of this measure is the sad calamity which has befallen Ireland. It has forced upon you the consideration of the corn question. But suppose that you suspended the Corn Laws, what could you have done when the time of suspension was at an end? I have not overlooked the circumstance that, respecting this Bill it has been said to be a good political manœuvre on my part. The letter of the noble Lord the Member for London, has been described as a good political manœuvre on his part. Now, I ask what possible advantage can a Bill like this confer upon me as an individual? I know that I have been taunted, and have more than once been told, that my days as a Minister are numbered. But I have introduced this measure, not for the purpose of prolonging my Ministerial existence, but for the purpose of averting a great national calamity, and for the purpose of sustaining a great public interest. I am quite aware of the fact that more than once I have been asked how long I can reckon upon the support of those hon. Gentlemen opposite, without whose votes I could not hope to carry this Bill through the House—how long, in fact, I can reckon upon enjoying their support with respect to other subjects? I know, as well as those who taunt me, that I have not any right to the support or confidence of those hon. Members. I acknowledge, and I admit that acknowledgment with perfect sincerity and plainness, that they have supported me in passing this measure, if it will pass into a law. I do not say this as private man—I do not on private grounds attach importance to it; but I feel and acknowledge every proper obligation to them as a public man, for the support which they have given to this measure, and for studiously avoiding everything calculated to create embarrassment to its progress; but then our differences remain the same. I have, Sir, no right to claim their support nor their protection, nor, I will fairly admit, shall I seek it, by departing in the slightest degree from that course which my public duty may urge me to adopt. If this measure pass, our temporary connection is at an end; but I have not the slightest right to expect support or forbearance from them; still less have I, after the declarations that have been made, a right to expect forbearance or support from this side of the House, Well then, that being the case; it being the fact, that there are

but 112 Members to support me, then I may be asked what great measure of national policy I can expect to pursue with these 112 Members, constituting as they do but little more than one-sixth of the House of Commons? I am not, I say, surprised to hear hon. Members predict that my tenure of power is short. But let us pass this measure, and while it is in progress let me request of you to suspend your indignation. This measure being once passed, you on this side and on that side of the House may adopt whatever measures you think proper for the purpose of terminating my political existence. I assure you I deplore the loss of your confidence much more than I shall deplore the loss of political power. The accusations which you prefer against me are on this account harmless, because I feel that they are unjust. Every man has within his own bosom and conscience the scales which determine the real weight of reproach; and if I had acted from any corrupt or unworthy motives, one-tenth part of the accusations you have levelled against me would have been fatal to my peace and my existence. You may think that we took too great precautions against Irish famine in the month of November. You are mistaken. Events will prove that those precautions were not superfluous; but even if they had been, as our motive was to rescue a whole people from the calamity of possible famine, and consequent disease, I should be easy under the accusation. I do not say whether this measure will be effectual for that or not. I speak only of the motive. What weight would your accusation have then even if the precautions be superfluous? I, with the information we had, and the prospects which were before us, repeat the accusation that we took superfluous precautions; and I will reply, as Mr. Burke did, when labouring under similar obloquy, and in circumstances not dissimilar: "In every accident in life, in pain, in sickness, in depression, in distress, I called to mind that accusation; and was comforted." No, never—no reproach will attach to me even if it be proved that our precautions were superfluous. Before the month of July—[OPPOSITION: May]—it will be established to the conviction of every man, that the precautions we took were not superfluous, and that our motives were not impure. I am not speaking of a temporary measure; I am speaking of a permanent measure. When I do fall, I shall have the satisfaction of reflecting that I do not fall because I have shown subservience to a party. I shall not fall because I preferred the interests of party to the general interests of the community; and I shall carry with me the satisfaction of reflecting, that during the course of my official career, my object has been to mitigate monopoly, to increase the demand for industry, to remove restrictions upon commerce, to equalize the burden of taxation, and to ameliorate the condition of those who labour.

MR. STAFFORD O'BRIEN said, deep as was his respect for the House, and anxious as he was to consult its feeling, he trusted he might be permitted for a short time to make a few remarks on what had fallen from the right hon. Baronet, and to vindicate the position which the party favourable to the principle of protection occupied in that House. The right hon. Baronet said at the close of his speech that if he fell he should fall because during the whole course of his official career he had endeavoured to mitigate monopoly and give a greater degree of freedom to commerce. He thought, skilful as the right hon. Gentleman was in making out his own case, and anxious to vindicate his personal good faith, he had not entirely made out satisfactorily the cause of his fall, and that his statement was not quite so comprehensive as he boasted his measure to be. If he fell, it would not be because, during his long official career, his endeavour had been to mitigate monopoly. He thought the epithet "official" could scarce be applied to merely the last three years, because, if they looked beyond that, the tale would be totally different. The principle the right hon. Baronet now espoused might be right or wrong; but for the ten years that had preceded the last three years, the labours of the right hon. Baronet had been to construct and build up a party to oppose freedom of trade; and he believed the principles the right hon. Baronet then professed were just, and sound, and true. Nobly had the right hon. Baronet laboured, and ably his party had supported him; and when the noble Lord (Russell) had removed to the opposite side of the House, it remained for the right hon. Baronet to earn a still higher name, not only as the successful leader of a party, but as the conductor of a great constitutional body. Whatever his opinion might be as to the fall of the right hon. Baronet, he would never admit that he had stated his case fairly, when he said that during his official career he had laboured to remove the re-

strictions upon imports. He thought the right hon. Baronet would have acted more fairly if he had given those who were so deeply interested in the question the opportunity of examining the documents he had referred to, and the opportunity also of replying. What did it matter whether they were true or false, when, long before they were able to correct their errors or fallacies, the Motion would have been carried, and, practically speaking, no reply could be given. Many hon. Members had handed him in statements contradictory of those used by the right hon. Baronet; but at that late hour of the night he would not trouble the House with them. Before they went to a division, he was anxious to state their position, and the motives that influenced the party to which he belonged. They had not resorted to the ordinary tactics of Parliamentary opposition. Had it been their wish to move an Address to the Crown praying for a dissolution—had they brought forward a vote of want of confidence, they might have caught some stray votes; but they had taken, as he was sure the hon. Member for Stockport would admit, the more manly and straightforward course. The cause was one of too much importance to be trifled with, and they determined to resort to no trick or artifice whatever. They had brought the question of protection or no protection into the open field, and at least it would be said of them that they had used no disguise, but had met the question fairly. And although they had been deserted by the right hon. Baronet, and had been left to fight the battle themselves, to himself at least there remained the consolation, that the question had roused a spirit of zeal, and energy, and ability, more especially in the younger members who had taken part in the debate on his side, that gave abundant promise of future talent and noble exertion. He hoped and believed that the spirit, the interest, and the zeal they had hitherto displayed, would not desert them on other occasions. However this question might be decided, they would remember that there were other great questions which would speedily come before them, and that they must try those questions, and take their stand upon them boldly and resolutely, as they had upon that which was now under discussion. Had it not been for the representatives of the agricultural interest, owing to the strange amalgamation of parties which had taken place, this great commercial, political, and social change would have passed through the House without any discussion. But they had determined to discuss it, because they regarded it as a question of magnitude, and as one fraught with danger. The right hon. Baronet at the head of the Government said that his sentiments upon the subject had undergone a change; but the House should remember that that change was not from high protective to a modified duty, for the right hon. Baronet had throughout his whole career being engaged in the modification of protective duties. and his party had almost invariably supported him in effecting those modifications: the change had been from modification to an abandonment altogether, and had no reference to anything except a hard rule of political economy. The great difference was this, that whereas in former legislation the interests of the consumer and the producer were alike considered by the Legislature, the right hon. Baronet had now announced that the interests of the consumer alone should find a place in the counsels of this kingdom. In the political economy language of the day the poor were called, not the wealth-consuming, but the wealth-producing classes; and it must be remembered that the principles the right hon. Baronet had enunciated, fairly and legitimately carried out, meant the maximum of labour for the minimum of wages. Therefore he believed that, however fair to show the system might be, its heavy iron hand would speedily be felt by the poor. To his mind the question was not so much one of low prices, as a question which involved the whole system of indirect taxation, which comprised the malt tax and many other taxes. Upon the subject of the failure of the potato crop, as far as his knowledge of Ireland was concerned, he did not think that the right hon. Baronet at the head of the Government had exaggerated the state of that part of the United Kingdom. And he would tell the right hon. Gentleman something which, without party feeling, he would, no doubt, approve of: it was, that the very moment he could get away from those discussions he intended going to Ireland, for the purpose of seeing what he could do in his own neighbourhood for alleviating the condition of the people. But whilst he said this, he must observe that he thought the question, as far as Ireland was concerned, had nothing, and could not have anything to do with the measure before the House. They might think of this

assertion as badly as they pleased; but in his conscience he did not believe that as a temporary remedy it would be the means of adding one stone of meal to the food of the poor of Ireland. Allusion had been made by the right hon. Baronet to the fact that the legislation of this country had been mainly entrusted to the landed interest. But let that legislation be tried by the best of all standards, the history of this great Empire. Let it be compared for the same number of years with any other Empire that ever existed. Try an honest standard like that, and then they must own that if they were resolved on a change from landlords' legislation to commercial and manufacturing legislation, the landlords of England had a right to look them in the face and say, "Take back, if you choose, the trust reposed in us, but at least admit that we have not betrayed it." It was very easy to attribute the evils and difficulties to be found to the existence of any one law, or the predominance of any particular class; but this was a narrow and a prejudiced view, which could be taken by such only as looked at the dark side of things. The land had been the basis of our Legislature, as he thought wisely and properly, because it checked and elevated the mere spirit of barter and of commerce. It was that to which they owed, far more than they were willing to allow, and far more than they were grateful for, or conscious of, the prosperity this country now enjoyed, and the power which was now wielded against the agricultural interest. He contended, therefore, that before they perilled such a venture as the present, they should produce ample and conclusive reason for convincing the House of its necessity. They had been furnished with no statistics, and the Ministry had refused to tell them the price of their own corn. [*Cheers.*] He understood that cheer; he knew how fond hon. Members on that side of the House were, whenever an allusion was made to money by the supporters of the agricultural interest, of assuming that all their interest in the question was attributable to mercenary motives. He could not but remember, however, how eager the hon. and smiling Member for Durham was, when it came to a question of 1*d.* a pound on a certain kind of wool. So eager was he for the proposed change in the alphabetic Tariff on that occasion, notwithstanding the sublimity of his sentiments, that he blamed the right hon. Baronet because wool did not begin with a C. But no man knew better than the hon. Member for Stockport that in discussing questions of price, like this, they were led into the discussion of great and important principles. They knew that when a Government, pledged to protection, came forward and proposed—not that they should reconsider the case, not that they would show by argument, by calculation, and returns from foreign parts, the possibility of struggling with the agriculture of other countries—but without entering into any such calculations, suddenly proposed to destroy a great system, then the advocates of the existing system were justified in asserting that the Government might be right or they might be wrong; but they showed practically, although they denied it in words, that they did not give that value, importance, and predominance to the agriculture of this country which their fathers before them had given, and the result of which was the prosperity which this country now enjoyed. But although the Legislature were about to leave them to struggle with strangers, who might become, they knew not how soon, enemies, they would not part in anger or indignation; and he believed that if their own experience should hereafter tell them that to buy in the cheapest market and sell in the dearest, was not the way to make a people happy, and an empire great, they would not be the less disposed to reconsider the decision which they were about to pronounce to-night, because, when they should affirm that decision, some should be found among them loudly protesting against it, and earnestly resisting it—because some should be found among them determined to uphold, against a combination of official power, debating ability, and numbers unparalleled in Parliamentary history, the principles in the advocacy of which they had entered public life, and to do battle to the last for that which they believed to be the true interests of the country.

Viscount PALMERSTON: Sir, I am anxious to state as shortly as I can to the House, the view which I take of the two questions which have formed the subject of our debate; both of great, though not of equal importance; the one commercial, the other constitutional; the one arising out of the measures of the Government, the other out of their conduct; the one being the question, whether the Corn Laws shall be repealed, and the principle of competition shall be substituted for the principle of protection as the foundation of our

commercial system: the other being the question, whether the Members of the Government have or have not been justified in departing from certain engagements, which they are alleged to have contracted towards the Conservative party. The latter question, though the least important of the two, is still deserving the consideration of this House, and of the country. For the political character of public men is public property, and that which concerns it, must always be a matter of public interest. Now the Government having this year proposed measures, at variance, not so much with their formerly expressed opinions, as with their former practical course, a large section of their political supporters, not content with condemning these measures as injurious, not content with declaring that the Government have thereby lost their confidence and forfeited their support, charge the Members of the Government with having deserted and betrayed their followers. I cannot acquiesce in the constitutional doctrine which is implied in that charge. For I have heard many Gentlemen belonging to the protectionist section of the House acknowledge that the Government had been actuated in the course which they have pursued by sincere conviction, and by a conscientious sense of public duty; and that they had nothing in a political point of view to gain, but on the contrary, much to lose, by the course they have taken. Well, then, the charge which I have adverted to, implies that public men ought to consider party engagements as a more binding obligation than public duty: now with this I cannot agree. I hold as high as any man can do, the importance and necessity of party association for the useful working of representative Government: I hold that a member of a political party should in his personal relations be true and faithful to his associates, and that in his political relations he ought to give up smaller differences of opinion in order to obtain common action for the promotion of common principles of Government. But when any man, be he leader or be he follower, finds himself in such a situation, that public duty points one way, and party engagements another, however great the sacrifice to be made, however painful the severance from private friends, however inconvenient the separation from political associates; he ought to stand by his country. I think, however, the Government have placed upon somewhat too narrow a ground their justification of tho change which has taken place in their conduct. They have put it upon their experience of the last three years; they might more justly have ascribed it to the debates of the last four Sessions. They say it is their observation of the working of their own Tariff, that has wrought the change; I suspect it is much more the speeches of my hon. Friend the Member for Stockport (Mr. Cobden), and of other Gentlemen on this side of the House, who, Session after Session, have enforced the doctrines of free trade with unanswerable arguments and irresistible eloquence. It is all very well for Gentlemen who sit listlessly through a debate, thinking only of the vote they mean to give in the division, or who perhaps, without hearing a syllable of the discussion. come down at the eleventh hour to record in the lobby, with all the triumph of consistency, their unaltered and unalterable opinions,—it is all very well for them to boast that they maintain without change, Session after Session, and year after year, the very same opinions with which they originally set out; but very different is the case of responsible Ministers of the Crown, compelled by their duty to sit out the whole of each night's debate, to listen with deep attention to every speech, and, what is more to the purpose, to find answers—aye, and answers which, as men of sense and station, they shall not be ashamed to use. So far, then, from wondering that the Government have at length changed their opinions and their course, I am only astonished that they did not do so long ago. And I must say that this consideration gives me great hopes even of those Gentlemen of the protection party who have most stoutly resisted the present measures. For they have now undertaken to furnish speeches as well as votes; and if they will permit me to pay them a most deserved compliment, I must say, in passing, that we have all admired the great ability of their speeches, and that every Englishman must feel proud of the talent and cultivation of mind which have been exhibited by them, and especially by some among them who have not had the advantage which practice in debate gives to persons in explaining their sentiments in this House. But really, after witnessing the powers of mind which many of those hon. Gentlemen have evinced, I cannot help entertaining a hope that when, upon mature consideration, they come to weigh in the balance of their judgment the argu-

ments they have encountered, and the arguments they have used in reply, their opinions may, perhaps, at no distant period, undergo some considerable change. At any rate, I will venture to foretell one thing, and that is, that if the course of events should place them on the Ministerial benches, they will not long sit there without material alterations of some of their present opinions. There are certain climates which are specific cures for certain diseases; and depend upon it if you take any men who are labouring under the protection fever even in its most acute and inflammatory type, and only place them for a few months in the free-trade atmosphere of Downing-street, you will effect an entire and permanent cure. Now as to the commercial question. Having taken the liberty, some years ago, of expressing in this House a wish that the word protection might be blotted out of our commercial vocabulary, I cannot but hail with cordial pleasure the proposal of measures which tend so greatly to realize that wish. Protection is no doubt a plausible word. But many are the evils which mankind have endured from plausible words cloaking and disguising injurious things. What does protection, in the commercial sense, mean? Why, injury to the many for the benefit of the few; with this difference, however, that the injury to the many is real, while the benefit to the few is for the most part delusive. Protection is manifestly injurious to the many, because its avowed object and necessary effect is to shut out the foreign supply of commodities which the many consume, and thus to render those commodities dearer, and moreover, as I will presently show, worse than they otherwise would be. At first sight, indeed, this injury to the consumers, who are the many, would appear to be attended with benefit to the home producers, who are the few, by reason of the monopoly which is thus secured to the latter in the home market. But no real benefit can be conferred on any set of men by any order of things which does not stimulate them to exert to the utmost their industry, ingenuity, intelligence and activity. But protection, by its baneful influence, paralyses the vital energies of human industry, cramps its development, and cripples its growth; and thus, so far from benefiting the persons for whose advantage it is intended, it often brings them into a worse condition than they would have been if they had been thrown, without protection, upon their own resources. I say, then, that protection, being injurious to the many, even if it were advantageous to the few, would be at variance with that fundamental maxim which bids us legislate for the many, and not for the few; but being, as it is, injurious to the many, and not even advantageous to the few, there is not the shadow of an excuse to be set up in its defence. But it is contended that free trade and the absence of protection may do very well for a country in a natural state of society, but that we are in an artificial condition; that we have large naval and military establishments to maintain; a great debt, the interest of which we must pay; that for these purposes we must raise a large revenue by heavy taxation; and that, in these circumstances, we cannot afford to part with the system of protection for native industry. Now, I hold that to be a complete fallacy. I hold it not only to be untrue, but to be the very reverse of truth. For what is the effect of protection? Why, that by laying an unduly heavy tax upon commodities coming from abroad, you greatly lessen the supply of those articles, and thus raise artificially the supply of all like articles produced at home; while, at the same time, by exempting the British producers from the stimulus which would result from foreign competition, you lower artificially the quality of the things thus produced at home. But are our establishments, and our debt, and our revenue, a reason why we should do this? If we are compelled to take from every man in the country a large portion of his yearly income to supply the demands of the public service, is that a reason why we should, by artificial means, purposely make everything which he wants to buy with the remaining part of his income, as dear and as bad as we can? I say, on the contrary, that if we are obliged to call upon all classes to make for the public service a sacrifice of a large portion of their incomes, whether arising from lands or from funds, from commerce, from professions, or from labour, that very fact is the strongest possible reason why we should endeavour to enable them to make that remainder which we leave to them go as far as it possibly can in procuring for them, according to their respective stations in life, the necessaries, the conveniences, or the luxuries which they may wish to enjoy. I contend, therefore, that it is precisely because we have great establishments, because we have a heavy debt, and because we must have a large revenue, that we

cannot afford to keep up the system of protection. Well, but then, is the state of our commercial relations with foreign countries a reason why we should maintain this system of protection? Some people say it is. Some Gentlemen argue that free trade might do very well if it was practised by all nations, but that one-sided free trade will not do; that our example will not be followed; and that this system, not being mutual and reciprocal, will be an injury to ourselves and an advantage to other nations. Now, I hold this to be just as great a fallacy as the other. For what is the effect of mutually hostile tariffs between ourselves and other countries? Take any foreign country—take France, for instance. The high tariffs of France and of England are alike injurious to both countries. Our high tariff against French commodities is an injury to ourselves as consumers, and to the French as producers; while the high tariff of France against British commodities is an injury to the French consumers as well as to the English producers. Here, then, is an inconvenience on each side of the water. We cannot, however, persuade the French to reduce their tariff, but we have the power of reducing our own; but we are told that we ought not to do so unless the French agree to a simultaneous reduction on their side. Why, what is that but saying, that we are to continue to submit to an evil which we have the power to put an end to, because, forsooth, another country chooses to continue to subject us and themselves to another evil of a similar kind, which is beyond our control. What sense is there in this? Surely, if we cannot get rid of both evils, at least let us free ourselves from the one which we are able to remove. And this leads me to say, that I have heard with great pleasure the announcement of the Government, that they have at last come to the conviction that negotiations with Foreign Powers for mutual reduction of tariffs are no longer worth pursuing; and that it is better to act upon a bolder policy, and to carry our own principles voluntarily into practice. I think, however, that the Government were right in pursuing those negotiations, and that former Governments were right in making similar attempts. It was paying a due and proper deference to the prejudices of this country; and if we had succeeded in accomplishing our purpose, we should have gained two advantages at once; we should have got rid of the obstacles abroad, at the same time that we removed the obstacles at home. But there was this inconvenience attending that course, that foreign countries misunderstood the real nature of the propositions which we made to them. The real meaning and substance of our offer was, that we would relieve ourselves and them from an inconvenience on our side of the water, if they would relieve themselves and us from a similar inconvenience on their side. If our offers had been thus rightly understood they must have been accepted. But they were misconstrued. They were looked upon as a proffered bargain. Foreign countries, like many persons here, regarded protection as a good, and free trade as an evil; and, therefore, they regarded a reduction of prohibitory and protecting duties as an injury to the country by which such reduction might be made. Thus they understood us to say, that we would by a reduction of our Tariff do ourselves an injury and confer upon them a benefit, provided that they on their side would, by a corresponding reduction of their tariff, inflict an equal injury upon themselves, and confer an equal benefit upon us. Here, then, arose a question as to the relative value of proposed equivalents; and foreign Governments, considering the matter as a bargain, were always too much afraid of our overreaching them, or too much intent upon overreaching us. Then came the local struggle of protected classes, fiercely resisting any infringement of their monopolies; and thus it happened, both in our time and in that of the present Ministers, that even when foreign Governments were sufficiently enlightened to wish to come to terms with us, they had not the power to do so. Our example is much more likely to be effectual than our negociations. When foreign countries see that we reduce our duties upon their commodities, not as the condition of a bargain, and in exchange for an equivalent, but spontaneously and for our own advantage; not as a favour to them, but as a benefit to ourselves; and when they see, as they surely will, in the good result of our measures, a convincing proof of the truth of the doctrines upon which they are founded, may we not expect that our example will be followed, and that other countries will endeavour to secure to themselves the same benefits which we shall thus have obtained? Well, then, Sir, assuming, without further argument, for at this late hour I am anxious to shorten, as much as possible, anything I may have to say—assuming, then, that the operation of the principle of competi-

tion and the abolition of protection are good for every other branch of our commerce, still the question arises, are they equally good for the trade in corn ; or are there any peculiar circumstances connected with agricultural productions which ought to make such productions an exception to the general rule? I hold that there is no ground for such an exception, and that there is no reason why freedom of trade in corn should not be as advantageous to the country as freedom of trade in every other commodity. But by free trade I do not mean, necessarily and in all cases, trade free from custom duties. We are obliged, as I have already said, to raise a large yearly revenue ; and we must, for that purpose, have heavy taxes. The least inconvenient and least objectionable method of raising a large porton of that revenue is by indirect taxation, and that involves the necessity of custom duties. Therefore, when I speak of free trade I mean trade free from duties laid on for the purpose of prevention or obstruction, but not trade free from duties laid on for the purpose of revenue, and which, in order to accomplish their purpose, must be so moderate as not to cripple or impede commercial transactions. Now, my opinion has been, and, I own, still continues to be, that there is no reason why the trade in corn should, in this respect, be an exception to the general rule. I am for a moderate fixed duty. My noble and hon. Friends near me have also been of the same opinion ; and, allow me to say, that this opinion was not taken up by us, as stated last night by the noble Lord the Member for Lynn, when the late Government was, as he said, *in articulo mortis ;* but, as far back as 1839, when there was no reason to expect an early termination of our official career. I say then that my wish would have been to have had a low fixed duty on the importation of corn. I think that a duty of 4*s*. or 5*s*. would not sensibly raise the price of corn in this country ; it would be felt by nobody ; it would produce a revenue not undeserving of consideration ; and, what is of more importance, it would enable us to accomplish a great transition with less violence to the feelings and prejudices of a large class of men. But, in this House, men must consider what they can have, and not what they would wish to have. Now, the Government have all along declared that a fixed duty is the one thing which they never will either propose or agree to. My noble and hon. Friends near me have lately abandoned a fixed duty in despair. The Gentlemen of the Anti-Corn-Law League declare that nothing will satisfy them but a total and entire abolition of all duties on the importation of corn; and as to the Gentlemen who are in favour of protection, the moment that a fixed duty is proposed in this House, they jump up in a body, and rush in a crowd to the door. A fixed duty, therefore, is out of the question ; and our only choice lies between the sliding-scale and an entire abolition of duty; and, having to decide between these alternatives, I cannot for a moment hesitate to vote for entire abolition. Now, let us for a moment examine how this measure, if carried, will affect the various classes of society which are concerned in the cultivation of corn ; and first, as to the labourer. It has been said that this measure will injure the labourer, because by diminishing the average price of corn, it will lower his wages, and by throwing land out of cultivation, it will lessen his employment. Now, as to the first point, the right hon. Baronet at the head of the Government has just shown, by a detailed statement of wages and prices at various times and places, that wages do not fluctuate with the price of corn. But it is indeed a well-known and generally-admitted fact, that the price of labour, that is to say, wages, must vary like the price of every other commodity, according to the relative proportions of demand and supply. If you want a proof of this, look to the United States of America, where the price of corn being low, but the supply of labour being much less than the demand, wages are high ; look again to the southern counties of England and to Ireland, and there you will find the price of corn comparatively high, but the supply of labour being greater than the demand, wages are low ; then turn to the northern counties of England, and there you will see the price of corn not much higher than in the southern counties, but the demand for labour in the manufactures extends its influence upon agriculture, and there the wages of the agricultural labourer are much higher than in the counties to the south. It is, then, a complete fallacy to suppose that if this measure should diminish the price of corn it would lower wages ; but if it did diminish the price of corn without lowering wages, it would benefit the labourer ; for either he would thus be enabled to procure more food for himself and his family, or if he chose to be content with the same amount

of food, he would be able to buy a greater quantity of other articles, which are essential to his comfort and convenience. But then it is said that the passing of this measure would diminish the employment of the agricultural labourer, by throwing land out of cultivation. It could not do so, unless it reduced excessively the price of corn; and there can be no difficulty in showing how unlikely it is that any such result should follow. It seems to me, therefore, that the fear that land will, by this measure, be thrown out of cultivation, is altogether visionary. But am I the only person who holds that opinion? Why, Commissioners have been appointed under the General Inclosure Act which passed last Session; they have lately made a Report, which has been laid before this House, and by that Report it appears that they have already received forty-six applications for inclosures, amounting in all to 28,000 acres; and that twenty-seven of these applications have been made since the beginning of December last; and, therefore, since it was publicly known that a proposal would be made to Parliament for the repeal of the Corn Laws. This does not look like land being thrown out of cultivation. But more than this: we have a Bill before this House which shows that there are some bold adventurers who actually intend to wrest 40,000 acres from the waves of the German Ocean, and add them to the cultivated surface of this our solid island. I think then I am entitled to say that if I am of opinion that this measure will not throw land of cultivation, there are others fully as competent to judge of this matter, who concur with me in that opinion. Now as to the tenant-farmer; I contend that he has no material interest in this question. If the average price of corn should not fall much lower than it has been, he will be no loser. But if the average price should fall in any considerable degree, he has two resources. First, he may increase the quantity and quality of his produce by improved methods of husbandry; by applying to his pursuits greater science, greater skill, and greater economy; and everybody knows that the agriculture of this country is not susceptible of great improvement in all these respects. In this way the tenant-farmer might make up for a diminution of price, by an increase of produce. But if the worst came to the worst, he would have the other resource of going to his landlord for a reduction of rent; and as it could never be the interest of the owners of land to ruin their tenants, by enforcing contracts no longer suited to existing circumstances, the landlords would of course consent to an equitable re-arrangement of the terms between them and their tenants. This, then, is not a labourer's question; it is not a tenant-farmer's question; it is purely and simply a question affecting the owners of land; and I do not think that even they will suffer by the change. They can suffer only if the quantity of corn brought in should be so great as very materially to lower prices, and in that way to diminish rents. But what is the probability in that respect? Where is at present that immense quantity of superfluous corn, which is to come in like a deluge and to beat down the prices in this country? Does any man suppose that the people of other countries go on producing from year to year commodities for which they have no sale? The quantity of corn grown yearly in the world is proportioned to the probable demand of the market of the world, in which market we but seldom appear as buyers. The surplus quantity now or from time to time in existence, is merely the superfluity of abundant seasons held for a time in store to meet the alternate deficiency of bad years. Till the bad years come, that corn is cheap, because it is a supply exceeding the demand; but the moment we go into the foreign market as buyers, to purchase up this surplus, prices abroad will rise. Not only will the British demand, as a new competition with foreign demand, naturally cause a rise of price, but our own merchants will compete against each other, until by a rise of prices abroad the profit of their importations shall have been brought down to the usual rate of mercantile profit upon capital employed in other ways. There is, therefore, very little probability that the importation of the existing surplus quantity of corn in foreign markets, will materially lower prices in this country. But, then, is the quantity of corn produced abroad susceptible of great or unlimited increase? Why, increased production abroad can be accomplished only by increased application of capital, that is, by additional expenses of various kinds; and these fresh expenses will tend to increase the cost of production, and, consequensly, to raise the price of foreign corn. Moreover, the new lands to be brought into cultivation for these purposes will, probably, be further from the ports of embarkation, and the expense of internal conveyance will thus also be in-

creased. But the consumption of foreign countries is not remaining stationary, and their population is annually increasing as well as our own; and, therefore, a considerable portion of their increased produce will be kept at home for their own use. And with regard to this, let it be borne in mind that the increase in the population of almost all countries is more in the food-consuming than in the food-producing classes; more in the inhabitants of towns and cities, than in the cultivators of the soil. There is no country with regard to which this is more true than the United States of America. There, no doubt, cultivation is spreading; but its advance scarcely keeps pace with the multiplication of new cities constantly springing up in the interior, or with the rapid augmentation of the population of the older cities in the long-established States. There are, therefore, many causes which tend to limit the additional supply of corn which we can draw from abroad, and which must raise the cost price of corn which we may so import. But are there no causes in operation at home which will also contribute to make this foreign corn annually dearer? Is our own population stationary? Does that not increase at the rate of from 300,000 to 400,000 every year? And will not this annual increase of the consumers in this country absorb a considerable portion of the increased annual supply from abroad? But is that all? Does any one imagine, that the poorer classes in this country, consume at present as much food as they would do if food were cheaper, and more within their reach? It is well known that they do not. Well, then, suppose that by a large importation from abroad, the price of food should be materially diminished, what would be the immediate consequence? Why the consumption of food by many millions of the poorer classes would immediately increase; their increased consumption would raise prices again; and the probability is that the effect of a very large importation of foreign corn would only be, to enable the poorer classes to consume a much larger quantity of food at the present prices; whereas, if such increased consumption were to be attempted by them without a corresponding increase of supply, prices would soon rise to such a height as to compel them to give up the attempt. It seems to me, therefore, that the apprehensions felt by the landowners that this measure will greatly reduce the price of corn, and by that means materially lower their rents, are altogether unfounded, and that they have no good reason, on that score, to object to this measure. But, on the other hand, if those apprehensions are well-founded, then, still less ought the landowners to object to the measure; for what is an objection founded upon such grounds, but a confession that their rents are artificially raised by means of a law which enhances to the poorer classes of this country the cost of the necessaries of life? The right hon. Baronet at the head of the Government, on a former occasion, gave to the British aristocracy the appellation of proud. He called them a proud aristocracy. I thought the appellation well chosen and appropriate; and it seemed to me neither to deserve animadversion nor to require withdrawal. The British aristocracy are proud; they have a right to be proud; they ought to be proud; and proud, I trust, they long will continue to be. They have a right to be proud of the noble deeds and great public services performed by their illustrious forefathers: they have a right to be proud of their own high and ennobling qualities; they have a right to be proud of the affection, the esteem, and the respect felt for them by their fellow countrymen. But will the proud aristocracy of England contend for the continuance of a law, under which they are liable to have it cast in their teeth, that they derive a portion of their income from a poor rate—and a rate too, not levied on the wealthy for the support of the indigent poor; but raised for the benefit of the rich, and wrung from the necessities of the poorest of the poor? Will the proud aristocracy of England contend for the continuance of a law, under which the toil-worn peasant or the drooping artisan, when dividing among his craving children the insufficient meal which he has purchased with the hard-earned wages of his exhausting labour, must inwardly repine to think, that each scanty morsel is rendered scantier still than it might otherwise have been, in order that the painful retrenchments of his "humble shed" may go to swell the luxurious superfluities of "some contiguous palace?" If we cannot convince the reason of the British aristocracy; if we appeal in vain to their justice; if, which I never will believe, their generosity is dead; let us at least awaken their pride; that manly and honourable pride, which founded on the judgment of a self-approving conscience, secures to man his own respect, and commands for him the

respect of others. It has been shown that the measures now proposed will increase the commerce of this country, and will by this means add to its wealth, and augment its general prosperity. But with these advantages will follow another of still greater importance ;—for in proportion as we increase our commercial relations with other countries, we multiply the chances of the preservation of peace. If, for the sake of preserving peace, we make weak concessions and timid submissions, we fail in accomplishing our purpose. We stave off indeed our difficulties for the moment, but they soon come back upon us again with increased embarrassment and aggravated pressure, and we find that we have—

"purchased dear
Short intermission, bought with double smart."

But far otherwise is it when, by extending commercial intercourse, we give to other nations interests in the maintenance of peace, equal to, and identical with our own. If monarchs are ambitious and grasping, or if democracies are encroaching and aggressive, and you wish to bind them down to keep the peace—fetter them with commerce : or, if you want to inspire their minds with juster and more moderate sentiments, spread wide before them the book of the merchant ; and be assured that in the pages of that volume, they will see more cogent and conclusive arguments against unjust and unnecessary war, than are to be found in the purest precepts of the moralist, or in the wisest exhortations of the statesman. Upon these grounds, therefore, I give this measure my hearty support. I support it, because I think it calculated to promote the welfare, the comfort, the happiness, and the prosperity of this country ; and because it seems to me to be founded on principles which tend to secure to mankind that great and inestimable blessing, the continuance of international peace.

The House then divided on the Question, that the word "now" stand part of the Question:—Ayes 302 ; Noes 214 : Majority, 88.

List of the AYES.

Acheson, Visct.
Acland, T. D.
A'Court, Capt.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Anson, hon. Col.
Attwood, J.
Baillie, Col.
Baillie, H. J.
Baine, W.
Baird, W.
Baldwin, B.
Bannerman, A.
Barclay, D.
Barkly, H.
Baring, rt. hon. F. T.
Baring, rt. hon. W. B.
Barnard, E. G.
Becket, W.
Benbow, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Blake, M. J.
Blewitt, R. J.
Bodkin, W. H.
Botfield, B.
Bouverie, hon. E. P.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Bridgeman, H.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Bruce, Lord E.
Buckley, E.
Buller, C.
Buller, E.
Busfeild, W.
Butler, P. S.
Byng, G.
Byng, rt. hon. G. S.
Cardwell, E.
Carew, hon. R. S.
Carnegie, hon. Capt.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Chichester, Lord J. L.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cobden, R.
Cochrane, A.
Cockburn, rt. hon. Sir G.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Corry, rt. hon. H.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Currie, R.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Drummond, H. H.
Dugdale, W. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Dundas, Adm.
Dundas, D.
Easthope, Sir J.
Eastnor, Visct.
Ebrington, Visct.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Elphinstone, H.
Escott, B.
Estcourt, T. G. B.
Etwall, R.
Evans, W.
Evans, Sir De L.
Ewart, W.
Feilden, W.
Ferguson, Col.
Fitzgerald, R. A.
Fitzroy, hon. H.
Fitzroy, Lord C.
Fitzwilliam, hon. G. W.
Fleetwood, Sir P. H.
Flower, Sir J.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gisborne, T.
Glynne, Sir S. R.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hayter, W. G.
Heathcoat, J.
Herbert, rt. hon. S.
Hervey, Lord A.
Hill, Lord M.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Hollond, R.
Hope, G. W.
Hornby, J.
Horsman, E.
Howard, hn. C. W. G.
Howard, hn. E. G. G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Hume, J.
Humphery, Ald.
Hutt, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.

Johnstone, Sir J.
Johnstone, H.
Kelly, Sir F.
Kelly, J.
Kirk, P.
Labouchere, rt. hon. H.
Lambton, H.
Langston, J. H.
Lascelles, hon. W. S.
Layard, Capt.
Legh, G. C.
Lemon, Sir C.
Loch, J.
Lockhart, A. E.
Lyall, G.
Macaulay, rt. hon. T. B.
Mackinnon, W. A.
Macnamara, Major
M'Carthy, A.
M'Geachy, F. A.
M'Neill, D.
M'Taggart, Sir J.
Mahon, Visct.
Mainwaring, T.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, J.
Maule, rt. hon. F.
Meynell, Capt.
Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Morpeth, Visct.
Morris, D.
Morison, Gen.
Morrison, J.
Mostyn, hon. E. M. L.
Muntz, G. F.
Napier, Sir C.
Neville, R.
O'Brien, J.
O'Brien, T.
O'Connell, J.
Ord, W.
Osborne, R.
Oswald, J.
Owen, Sir J.
Paget, Col.
Paget, Lord W.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pattison, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Pendarves, E. W. W.
Pennant, hon. Col.
Philips, G. R.
Phillpotts, J.
Plumridge, Capt.
Powell, C.
Price, Sir R.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Reid, Sir J. R.
Reid, Col.
Ross, D. R.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord E.
Russell, J. D. W.
Rutherfurd, A.
Sandon, Visct.
Scott, R.
Scrope, G. P.
Seymour, Lord
Seymour, Sir H. B.
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somers, J. P.
Somerset, Lord G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stewart, J.
Stuart, Lord J.
Stuart, H.
Strickland, Sir G.
Strutt, E.
Sutton, hon. H. M.
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Tollemache, hon. F. J.
Tomline, G.
Towneley, J.
Traill, G.
Trelawny, J. S.
Trench, Sir F. W.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vane, Lord H.
Vernon, G. H.
Villiers, hon. C.
Villiers, Visct.
Vivian, J. H.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wall, C. B.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Wellesley, Lord C.
White, S.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, C.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wrightson, W. B.
Wynn, rt. hon. C. W. W.
Wyse, T.
Yorke, H. R.

TELLERS.

Young, R.
Baring, H.

List of the Noes.

Acland, Sir. T. D.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnot, hon. H.
Archbold, R.
Arkwright, G.
Astell, W.
Austin, Col.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, W.
Bankes, G.
Baring, T.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Bell, M.
Benett, J.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Blackburne, J. I.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Brisco, M.
Broadley, H
Broadwood, H.
Brooke, Lord
Brownrigg, J. S.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Carew, W. H. P.
Castlereagh, Visct.
Cayley, E. S.
Chandos, Marq. of
Chelsea, Visct.
Cholmondeley, hon. H.
Christopher, R. A.
Churchill, Lord A. S.
Chute, W. L. W.
Clayton, R. R.
Clifton, J. T.
Clive, Visct.
Cole, hon. H. A.
Collett, W. R.
Colquhoun, J. C.
Colvile, C. R.
Compton, H. C.
Coote, Sir C. H.
Courtenay, Lord
Davies, D. A. S.
Deedes, W.
Denison, W. J.
Denison, E. B.
Dick Quintin
Disraeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Dowdeswell, W.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Emlyn, Visct.
Entwisle, W.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Finch, G.
Fitzmaurice, hon. W.
Floyer, J.
Forbes, W.
Forman, T. S.
Fox, S. L.
Frewen, C. H.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. M.
Gladstone, Capt.
Gooch, E. S.
Gordon, hon. Capt.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Granby, Marq. of
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Harcourt, G. G.
Harris, hon. Capt.
Heathcote, G. J.
Heathcote, Sir W.
Heneage, E.
Henley, J. W.
Hildyard, T. B. T.
Hill, Lord E.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A. C.
Hope, Sir J.
Hope, A.
Hotham, Lord
Houldsworth, T.
Hudson, G.
Hurst, R. H.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lennox, Lord G. H. G.
Leslie, C. P.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen
Mackenzie, T.

Mackenzie, W. F.
Maclean, D.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Mildmay, H. St. John
Miles, P. W. S.
Miles, W.
Morgan, O.
Morgan, C.
Mundy, E. M.
Neeld, J.
Neeld, J.
Newport, Visct.
Norreys, Lord
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Pigot, Sir R.
Plumptre, J. P.
Pollington, Visct.
Powell, Col.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. J.
Round, J.
Russell, C.
Ryder, hon. G. D.
Sanderson, R.
Scott, hon. F.
Seymer, H. K.
Shaw, rt. hon. F.
Sheppard, T.
Sheridan, R. B.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, Sir H.
Sotheron, T. H. S.
Spooner, R.
Spry, Sir S. T.
Stanley, E.
Stuart, J.
Taylor, E.
Taylor, J. A.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Tower, C.
Trollope, Sir J.
Trotter, J,
Tyrrell, Sir J. T.
Vyse, R. H. R. H.
Vyvyan, Sir R. R.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Williams, T. P.
Wodehouse, E.
Worcester, Marq. of
Worsley, Lord
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Beresford, Maj.
Newdegate, C. N.

Bill read a second time, and ordered to be committed.

[On account of the importance of this Division, we subjoin the following non-official statement.]

SUMMARY.

MAJORITY (TELLERS INCLUDED).

Conservatives	102	
Liberals	202	
		304

MINORITY.

Conservatives	208	
Liberals	8	
		216
Paired		58
Absent, (Conservatives) ...		29
Ditto (Liberals)		47
Speaker		1
Seats Vacant—Sudbury 2 / Richmond 1 ...		3
		658

Paired off.

NOES.	AYES.
Ackkers, J.	Ferguson, Sir R.
Alexander, N.	Boyd, J. (Con.)
Archdall, M.	Corbally, M. E.
Attwood, M.	Egerton, Lord F.
Balfour, J. M.	Philips, M.
Barnaby, J.	Ponsonby, hon. C.
Bradshaw, J.	Smollett, A. (Con.)
Bruen, Col.	Damer, Col. D. (Con.)
Codrington, Sir W.	Howard, J.
Conolly, Col.	O'Ferrall, R. M.
Cressswell, A. B.	Standish, C.
Folliott, J.	Barron, Sir H. W.
Forester, G. C.	Dundas, J. C.
Gregory, W. H.	Bunbury, T. (Con.)
Hamilton, G. A.	Redington, T. N.
Hamilton, J. H.	Power, J.
Hoskins, K.	Johnson, Gen.
Irton, S.	James, W.
Leader, J. T.	Drax, J. W. S.
Lefroy, A.	Esmonde, Sir T.
Liddell, H.	Newry, Lord (Con.)
*Lindsay, H. H.	Listowel, Lord
Marton, G.	Pigott, D. R.
Nicholl, J.	Verner, Col. (Con.)
Oswald, A.	Turnor, C. (Con.)
Trevor, G. R.	Dundas, F.
Vesey, T.	O'Brien, C.
Whitmore, T. C.	Chapman, A. (Con.)
Wyndham, Col. C.	O'Connell, M. J.

Absent.

CONSERVATIVES.

Acton, Col.
Ashley, hon. H.
Bernard, Lord
Brooke, Sir A.
Bruce, C.
Copeland, Ald.
Eaton, R. J.
Egerton, Sir P.
Ferrand, W. B.
Godson, R.
Hamilton, B.
Hampden, R.
Hardy, J.
Hayes, Sir E.
Heneage, G. W.
Hepburn, Sir T.
Hussey, A.
Ker, D. S.
Lascelles, E.
Lindsay, Capt.
Northland, Lord
Polhill, F.
Praed, W. T.
Price, R.
Pusey, P.
Somerset, Lord
Vivian, J. E.
Welby, G. E.
Wyndham, J. C.

LIBERALS.

Armstrong, Sir A.
Arundel, Lord
Bell, J.
Bellew, R. M.
Berkeley, hon. G.
Blake, Sir V.
Bodkin, J.
Bulkeley, Sir R.
Butler, Col.
Callaghan, D.
Clements, Lord
Dawson, T. V.
Duff, J.
Fielden, J.
French, F.
Grattan, H.
Hallyburton, Lord F.
Heron, Sir R.
Howard, Capt.
Jervis, J.
Langton, G.
M'Donnell, J.
Maitland, T.
Maher, N.
Martin, T. B.
Norreys, Sir D.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
O'Conor Don
Ogle, C. S.
Philipps, Sir R. B.
Pryse, P.
Rice, E. R.
Ricardo, J. L.
Roche, E. B.
Roebuck, J. A.
Sheil, R. L.
Shelburne, Lord
Stanley, W. O.
Stuart, W. V.
Talbot, C. R.
Tuite, H. M.
Wemyss, Capt.
Westenra, J. C.
White, H.
Wilde, Sir T.

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* Mr. Lindsey and Lord Listowel were both in favour of the Government measure, but had paired on the Continent.

For going into Committee, Feb. 27. Ayes 339.			THE MAJORITY. (Tellers included.)	For second reading of Bill, March 27. Ayes 304.		
Whigs.	Tories.	Total.	Representing	Whigs.	Tories.	Total.
13	12	25	English Counties ...	11	12	23
143	68	211	English Boroughs ...	134	65	199
—	2	2	English Universities.	—	2	2
1	4	5	Welch Counties	—	4	4
7	3	10	Welch Boroughs.....	4	3	7
20	4	24	Irish Counties.....	11	5	16
21	7	28	Irish Boroughs	17	3	20
5	8	13	Scotch Counties	5	6	11
20	1	21	Scotch Boroughs.....	21	1	22
239	109	339	Totals	203	101	304
Minority		242		Minority		216
Majority		97		Majority		88

For Protection on Feb. 27. Noes 242.			THE MINORITY. (Tellers included.)	For Protection on March 27. Noes 216.		
Whigs.	Tories.	Total.	Representing	Whigs.	Tories.	Total.
4	104	108	English Counties ...	4	99	103
6	77	83	English Boroughs ...	2	74	76
—	2	2	English Universities.	—	2	2
—	1	1	Isle of Wight	—	1	1
—	8	8	Welch Counties	—	8	8
—	2	2	Welch Boroughs.....	—	2	2
1	21	22	Irish Counties.....	1	10	11
—	2	2	Irish Boroughs	—	2	2
—	2	2	Irish Universities ...	—	1	1
—	11	11	Scotch Counties.....	—	10	10
—	1	1	Scotch Boroughs ...	—	—	—
11	231	242	Totals	7	209	261

PROTECTION FOR LIFE (IRELAND).

Mr. C. BULLER said, that he wished to ask a question of the right hon. Baronet the Secretary of State for the Home Department. He had learned with great regret that the Government persisted in taking the first reading of the Irish Coercion Bill, or whatever else it might be called, on Monday next, as the Motion must lead to a warm and lengthy debate. He had moved for Returns of the outrages which had been committed in Ireland during a certain period, but they had not been presented; and he thought it rather hard that the House should be called on to enter upon a discussion of that measure without knowing the real grounds on which they ought to proceed. He wanted to know, therefore, whether the right hon. Baronet would undertake to place the information for which he had asked in the hands of Members by Monday, or whether his inability to furnish it would not be a sufficient reason for not entering into a discussion for which the House would not be prepared.

Sir J. GRAHAM regretted very much that anything should interrupt the progress of the Corn Law; but the Government had already declared their intention to proceed on Monday with the first reading of the Bill for the Protection of Life in Ireland. He believed that in the House of Lords no Papers were produced; but that the Members of that House agreed to the measure upon the statement of the noble Earl by whom it was brought forward. The Returns for which the hon. Member had moved could not yet be produced in a perfect form; but he should have hoped that the Bill might have been read a first time without opposition, as was usually done, as a matter of courtesy, with a Bill which came down from the other House of Parliament. With the single exception of the Coercion Bill of 1833, he believed that every Bill which came down from the other House was read a first time as a matter of course. A resistance to the first reading would be, to say the least, very unusual; and he only regretted that it would be his duty, on Monday next, at five o'clock, to move that the Protection of Life (Ireland) Bill be read a first time.

House adjourned at five minutes to Three o'clock.

HOUSE OF LORDS,

Monday, March 30, 1846.

Minutes.] Public Bills.—*Reported.* Mutiny; Marine Mutiny.

3ª and passed. Out-Pensioners' Services (Chelsea and Greenwich); Out-Pensioners' Payment (Greenwich and Chelsea).

Received the Royal Assent. Consolidated Fund; South Sea Company.

Petitions Presented. From the Diocese of Hereford, against the proposed Union of Saint Asaph and Bangor. —By the Marquess of Lansdowne, from the Society for the Distribution and Management of the Literary Fund, and several other Charitable Institutions, against, and to be exempted from the Operation of, the Charitable Trusts Bill.—By the Marquess of Lansdowne, from Roman Catholic Chaplains in the Workhouses situated in the United Dioceses of Down and Connor, complaining that Roman Catholic Inmates in said Dioceses, experience much Inconvenience from the want of a Competent Person to conduct Morning and Night Prayers, prescribed in the Order of the Poor Law Commissioners, and praying for Redress.—By the Earl of Dalhouse, from Liverpool and Glasgow, for the Adoption of such Measures as will effectually limit the Amount of Capital to be employed in the construction of New Railways.

EVICTION OF TENANTRY—(IRELAND).

The MARQUESS of LONDONDERRY brought forward the Motion of which he he had given notice, to the effect that there

—"be laid before this House a Return of the Ejectments actually carried into effect in Ireland on the Tenants and Occupiers of Land during the Years 1841, 1842, 1843, 1844, and 1845; specifying the Numbers in each Barony and County respectively, and showing the Total Number in each Year."

Before taking the votes of their Lordships on this Motion, he was anxious to say a few words in reference to the Motion he had formerly made with respect to the eviction of tenantry in the counties of Roscommon and Galway. These remarks he would offer, notwithstanding that he had been given to understand that his noble Friend near him (Earl of St. Germans) had not as yet obtained any authentic information which he could communicate to their Lordships in reference to the object which he (the Marquess of Londonderry) had in view in moving for these Returns. It would be in the remembrance of their Lordships that a short time since he had called their attention to certain cases of wholesale ejection of tenantry, alleged in the public papers to have taken place in the counties of Galway and Roscommon. He was not himself connected with those counties; but he was very much struck by reading the extraordinary statements which had appeared in the newspapers; and he felt it to be his duty (in the event of no other Member of that House undertaking the office) to bring the matter under the consideration of Parliament, and to state the circumstances connected with it, for this reason, if for no other, that some noble Lord who was connected with that part of the island, and who might in consequence be supposed to be in possession of authentic information respecting the alleged occurrences, might stand up and explain for the satisfaction of that House and the public how the true state of the facts really stood. When he undertook this duty, a noble Friend of his opposite assured their Lordships that the statements which had appeared in the public prints had been only inserted *ad captandum;* but he (the Marquess of Londonderry), notwithstanding this assurance, was very glad that he had taken up the matter; for having made due inquiries, and entered into correspondence on the subject, he found he was deeply grieved to have to state that in the county not of Roscommon, but of Galway, ejectments had taken place to a very great, indeed to a very shameful extent. He believed there could be no doubt but that Mr. and Mrs. Gerrard were the parties on whose estates those sad ejectments had taken place, and that seventy-six families, comprising in all no less than 300 individuals, had not only been turned out of their houses, but had even—the unfortunate wretches—been mercilessly driven from the ditches to which they had betaken themselves for shelter, and where they were attempting to get up a covering of some kind by means of sticks and mud. He could not go through the distressing details of these scenes, for he trusted that such things would never happen again, in consequence of the publicity which had been given to these occurrences. It was with a view to ensure that publicity that he had not moved for the Returns. He did not mean to dispute the right of landed proprietors to cause ejectments to be made judiciously, and in a proper and befitting manner: they certainly had a right to manage their estates as they pleased; but they should not forget that they were responsible to society, and most assuredly it was impossible, without resorting to the most extraordinary and the most heartless severity, to exhibit such scenes as had recently been exhibited in the county of Galway. If they wanted to clear their estates of any portion of their tenantry, they might have gone to work by degrees, encouraging them to emigration, or giving them some assistance to remove and establish themselves elsewhere; but he found that in the present instance these unfortunate people had their rents actually ready, and that year after year they offered them to this Gerrard family, and implored that they should be received; but the request was refused, and the unhappy people were driven out of their holdings, and an entire village depopulated. If such scenes as these occurred in the south and south-west of Ireland (thank God they were unknown in the north!) was it to be wondered at, however it might be deplored, that deeds of outrage and violence should occasionally be attempted, and that the law was not respected as it ought to be? He greatly feared there was something radically wrong in the manner in which agents and persons acting under landlords conducted themselves in Ireland, which stung the peasantry into madness, otherwise these things would not take place. How did these things occur? They appeared to him equally atrocious

with any of the acts of religious severity which had recently taken place in Russia, and to which reference had been made by a noble Lord in that House. He protested that he could see nothing in the proceedings which had occurred in Russia, which could transcend in atrocity the wholesale evictions which had taken place on the estate of the Gerrard family. If people were very severe on acts of religious cruelty occurring in other lands, it was likely that persons in those other lands would take up the occurrences which happened in our own unfortunate Ireland, and maintain that the English Government were as little disposed to look into these affairs as the Russian Government were to inquire into matters of equal atrocity happening in Russia. That these evictions had taken place in Ireland he was well satisfied; and he had received a letter from a Mr. Andrew Bamfield, of Ballinasloe, which corroborated the statements which had appeared in the public prints. In this communication from Mr. Bamfield was enclosed a copy of a letter which had been addressed on the subject to a Member of the other House (Mr. O'Connell); but he had rather not read it there, as the matter would doubtless be brought forward in another place. Moreover, he did not wish to have anything in common with that hon. and learned Gentleman, from whom he differed entirely on every thing having any connexion with Ireland. Mr. Bamfield, however, had inclosed the letter, and observed that the entire details of these evictions were to be found in an Irish paper, the *Freeman's Journal*, they having been collected by a gentleman who had been sent down there for that purpose by the conductor of the journal in question, who thought it right to show that the public papers had not been guilty of any vilification, and that nothing had been stated which had not taken place. When public indignation was brought to bear upon such proceedings as these, it was to be hoped that the progress of them would be arrested. The noble Marquess then alluded to the present condition of the Irish people consequent on the potato disease, and stated that he had much pleasure in informing their Lordships that he had received authentic advices from Ireland, stating that in the counties of Down and Cavan no want either of food or of employment had been experienced. Nothing could be wiser than the precautionary measures which had been taken in Dublin by order of the Government; but having seen a circular letter from the Secretary of the Relief Commission to the Lords Lieutenant of the various counties, pointing out the necessity of forming district committees throughout the country, it occurred to him to suggest the propriety of the Relief Committee not extending their powers to any districts where their exertions were not needed. An injustice might otherwise be done to districts where want was really sensibly felt. Directions ought to be given to the Lords Lieutenant not to force relief where it was not required, nor to order it to be granted unless in cases where they found it absolutely necessary.

The Earl of ST. GERMANS said, that he had not as yet received the information with which his noble Friend the Secretary for Ireland promised to furnish him, relative to the subject on which the noble Marquess had spoken; and he, therefore, requested their Lordships to permit him to abstain from entering on any discussion upon the subject. He hoped to be able, in the course of a few days, to state what the real facts of the case were. With regard to what the noble Marquess had said of the distress in Ireland, he had not seen the document to which the noble Marquess had referred, from the Secretary of the Relief Board; but he apprehended that that communication only referred to the particular counties where distress existed; and it was to such counties most certainly that the Commission should limit its exertions. With respect to the Motion under the immediate consideration of the House, he begged leave to say, on the part of the Government, that he had no possible objection to it; but there was one matter to which he was anxious to direct the attention of his noble Friend who had proposed it. The information sought for in these Returns—information on the subject of ejectments—could only be procured through the clerks of the peace. Now the clerks of the peace were not public officers: they were the officers of the country; and as they would be put to very great trouble in preparing these Returns, he suggested to the noble Marquess whether, unless some provision were made for their remuneration, they would be bound to comply with the Orders of that House. He suggested whether it might not be well to provide some mode of compensation for them.

Lord MONTEAGLE observed, that the clerk of the peace was most unques-

tionably a public officer; and, as such, bound to furnish such information acquired in his office as Parliament might think fit to require from him. With respect to the expediency of according him additional remuneration for his trouble, that was another and a secondary consideration; but there could be no doubt whatever that, as a public officer, he was bound to obey that House. The noble Marquess had alluded to the present condition of Ireland. He (Lord Monteagle) was happy to learn that there were any districts of that country where distress did not exist to an alarming degree; but it was a matter of absolute amazement to him how any one could question for one moment that there was in Ireland generally at the present moment an appalling degree of misery and distress. A friend of his, who was resident in the county of Clare, had stated to him, in a letter, a few days since, the result of his own experience, which was, that he had found a family in that county eating food from which so putrid and offensive an effluvia issued, that when consuming it they were obliged to leave the doors and windows of their cabins open, and they could not eat it under any other circumstances. If there was anything calculated more than another to add fuel to the fire in favour of Repeal of the Union, and to give strength to those who declared that the English people did not sympathize with the distress of the Irish, it was the giving countenance, directly or indirectly, to any indisposition to recognize the real facts of the case, and to apply such remedies as might testify the sincerity of their compassion.

The DUKE of WELLINGTON observed, that there could not be the least doubt but that the clerk of the peace in Ireland was a public officer, and bound, as such, to obey the Orders of that House. With respect to the Motion of the noble Marquess, he was sorry that his noble Friend had not seen the propriety of giving notice of such a Resolution as the present.

The MARQUESS of LONDONDERRY remarked, that he had taken care to give due notice of the Motion.

The DUKE of WELLINGTON was not aware that the fact was so. As to what had fallen from the noble Lord opposite (Lord Monteagle) with respect to Ireland, he could only say that he believed there could be no doubt whatever with respect to the amount of the evil which at the present moment existed in Ireland. He (the Duke of Wellington) had been one of those who, in the month of November last, doubted that it was possible that the evil which threatened Ireland could be so great as it was represented, and as it appeared to be at the present moment; but he was sorry to say, that he now found that those who were of a different opinion from himself were entirely right, and that those who thought that the evil was not of great magnitude were wrong, and he (the Duke of Wellington) was one of them.

The MARQUESS of CLANRICARDE said, that from private information he had received, he believed the facts were as they had been represented; and it appeared to him it was a proper case for inquiry, and one illustrating the necessity for a change in the law of landlord and tenant. As to the question of distress in Ireland, it was not a matter for party conflict; he thought the measures that had been adopted by the Government were judicious, and calculated to alleviate the suffering that existed; but they must not relax in their exertions, or the evil might arrive at a height which no one had as yet contemplated. It had been said in some quarters, that the distress which had existed in the early part of the year was now receding; but that was not the case. It existed still to a fearful extent, and what it might be in July no one could venture to foretell.

The EARL of MALMESBURY said, there was no one, he believed, sharing with him the opinions he entertained on certain questions, who would deny the great extent of distress that existed in Ireland. The potato crop had to a great extent failed. Persons might have fallen into mistakes in what they had alleged in this respect; but then it was because this question of distress had been connected with another great question now before Parliament—two questions which had been most awkwardly connected together by the Government. He, and those to whom he alluded, did not deny that distress existed. They would have been the first to come forward upon that question. But what they did deny was, that there was sufficient and just cause for all those extraordinary changes which had taken place in the opinions of the Government; and they further denied that the measures which they had prepared would, if they passed them, in any possible way alleviate the calamity.

Returns ordered.

RAILWAY LEGISLATION.

Lord KINNARD, in bringing forward the Motion of which he had given notice, commented upon the unsatisfactory state of railway legislation in general, and said that his object in moving for a Committee was to show the great hardships under which the promoters of railways laboured in respect to the expense to which they were put in obtaining a Railway Act, and to show also the great hardship and inconvenience to which private individuals were subjected under the present system. He wished it to be distinctly understood that he had undertaken this task in no spirit of hostility to railways; on the contrary, he had been a promoter of them from the beginning, when they were not so favourably regarded as at present; but having been much engaged in railway business lately in his own country, he had seen the necessity of bringing the subject before the House. He was aware of the great difficulty there was in legislating upon this subject, and the opposition that any measure was sure to meet with in the other House of Parliament, from the immense power of the railway interest. That power would increase, and no time should be lost in taking into consideration the means for controlling it to some extent. He had been so impressed with that growing power in that House, that he had endeavoured to induce landowners to take an interest in all Railway Bills passing through or affecting their property, or they would see all their interests in the hands of strangers and those living in towns. It might be said, as it had been before, that it was now too late; but it appeared to him that they could now legislate with much greater advantage, with the experience they had to guide them, than if they had proceeded to legislate some years ago; and if the whole subject were properly taken into consideration, he thought some general measure might be devised by which public and private interests might be more effectually protected than at present. He thought that some responsible Board should be appointed, in connexion with the Government. It might be said that this plan had been tried in the instance of the Board of Trade; but he thought that the powers of that Board had been insufficient to enable them to grapple with the subject, and that they had not had the means of enabling them to obtain proper information, although their duties had undeniably been most arduous, and they had reported with great ability. Their means of information had, however, been deficient, and he knew of some instances in which the information upon which they had acted was entirely false. The question then would be, what the powers of such a Board should be? One power, he thought, should be a superintendence over railways in general. There was superintendence over public carriages and roads, and over the traffic of the river; and why not over railways? What the powers of such a Board should be, however, a Committee might be able to point out. At present, if private persons had cause of complaint, they had no means of redress, unless by entering into litigation with a powerful company, with perhaps little chance of success. Some means, he thought, might be adopted by which some control could be obtained. An eminent engineer had recommended some three or four years ago, in a letter to a Member of Parliament, the amalgamation of railways by concentrating their respective capitals into one railway fund. His own idea was that the public were greatly benefited by competition. He should propose that the great lines should be considered great arteries, and that no amalgamation should be permitted among these. He referred to such lines as the Great Western, by Oxford, Birmingham, and Liverpool, extended on by Dumfries to Glasgow; the London and Birmingham, joined with the Caledonian; and there were also the London and York lines, extended by Hexham and Hawick to Edinburgh, and the Eastern Counties, by Lincolnshire, through Newcastle to Berwick. He proposed that it should be left to the Board to determine, in the case of any town requiring railway communication, to which of the great trunk lines it naturally and properly belonged. With respect to the great expense attending the Parliamentary proceedings, he found that parties were put to the heaviest costs, and witnesses kept in town for weeks, upon the most minute details, and to meet objections which afterwards proved to be utterly frivolous. Evidence he thought might be taken very much by affidavit; and some arrangements might surely be made by which such an item of expense as he recollected—namely, 9,000*l.* for serving 7,000 notices—might be avoided. Then, under the present system of grouping Bills, it had happened that a Committee would find that certain Bills that had been allotted to them had not been read a second time, and so they were obliged to adjourn, and

the whole expenses were thrown upon the promoters of the Bills. Private individuals also, whose property was affected by competing lines, were compelled to retain counsel and submit to great expense in defending their interests. If such a Board as he proposed were appointed, the plans of railways might be lodged with them a month or six weeks earlier, and they might send down parties into the country to take evidence; and if that course were adopted, he thought comparatively few Bills would be contested before the House. He had intended to allude to many other parts of the subject, and had provided himself with many cases of hardship and injury resulting under the present system; but as he found there was to be no opposition to his Motion. he would not detain the House by entering further into details, but content himself by moving—

"That a Select Committee be appointed to take into Consideration the best Means of enforcing one uniform System of Management on Railroads in operation, or to be constructed; and to secure the due Fulfilment of the Provisions of the Acts of Parliament under which the Companies have obtained their Powers, whereby greater Accommodation and Safety may be ensured to the Public; to take into Consideration what Means may best be adopted for diminishing the extravagant Expenses attendant on obtaining Acts of Parliament for legitimate and necessary Undertakings, and at the same Time for discouraging the Formation of Schemes got up for the mere Purpose of Speculation; to consider what Legislative Measures could be framed to protect Individuals from the Injury they may sustain by the laying down Lines of Railway through their Property, without subjecting them to the ruinous Expense of opposing Bills in Parliament."

The Earl of DALHOUSIE said, that as it was not his intention to offer any opposition to the Motion, it was unnecessary for him to make any lengthened remarks. The views of his noble Friend had been so little developed that it was impossible to offer a deliberate opinion upon them. So far, however, as they had been indicated, he (the Earl of Dalhousie) did not entertain such sanguine expectations that the Committee would be able to arrive at very practical results. A main feature in the plan appeared to be the prevention of amalgamation of the main lines or arteries; but in respect to the great arteries alluded to by his noble Friend, there had not been amalgamation, nor did there appear any great desire to amalgamate. In the whole range of railway legislation, there was nothing which Parliament should regard with a more jealous eye, or should proceed in with greater caution and circumspection, than those Bills which professed to amalgamate the interests of railways. The question had more than once occupied the attention of Parliament. It was considered at great length by a Committee of the other House in 1844; and it had also formed the subject of a full Report from that public Board which had been entrusted last Session with certain functions in regard to railways. During the present Session, also, a Committee of the other House had been appointed to investigate the subject, with a view of laying down such broad principles as might serve as a guide to legislation: whether the principle of amalgamation, good as he admitted it to be under proper limitation, could be more extended, he would not take upon him at the moment to say. He passed by altogether the allusion that had been made to the Board of Trade by his noble Friend; but he entertained strong doubts of the possibility of effectually uniting a Board of the kind proposed by his noble Friend with legislation. The authority of the Board appointed last year to perform certain functions connected with Railway Bills was not so extensive as the authority of the Board now proposed. The views of the Board of last year were called in question; but the objection of Parliament lay deeper, and the existence of such a body seemed to be regarded as inconsistent with entire freedom of action on the part of the Legislature. If a Government Board of the kind were appointed, it would be with a view to its reporting to Parliament; and he feared that expense would be increased without any beneficial result being obtained; and he was by no means prepared to say that Parliament would act wisely in parting with their jurisdiction in respect to the property of landowners affected by Railway Bills. He thought it would be extremely unwise in their Lordships or Parliament, for the purpose merely of sparing expense to those parties, to remove or impair the safeguards and bulwarks by which the rights of property were protected; though he admitted that if, consistently with the preservation of those safeguards, a diminution of expenses could be effected, that result would be desirable. But these were points which would more properly be considered in Committee.

The Marquess of BREADALBANE expressed his satisfaction that the subject had been brought forward; for he thought it desirable that the Legislature should exercise a due control over the railway communications; at the same time, they should take care not to interfere with the

due application of private enterprise and speculation. He believed it would be best that the communications of particular districts should be managed by great companies naturally connected with them, rather than by the enterprise of private individuals or small companies; for otherwise there would be a perpetual clashing of separate interests. He thought, however, that any such arrangements should be under the wholesome control of the Legislature.

The MARQUESS of LONDONDERRY agreed that particular districts should be left to the large companies to which each might seem naturally to belong; but if the great companies should unite in one, and the direction be placed under individual authority, then it became a monopoly, and one that might be very pernicious to the country. The greater the amount of competition in trunk lines, the better it would be for the public. He did not think the proposed Committee would do much good either to the objects which the noble Lord had in view or to the public, and would have preferred that the subject should be left in the hands of the Government.

LORD WHARNCLIFFE had no objection to the appointment of the Committee, but did not wish to be understood as implying any sanction of the system proposed. He regretted that Government had not thought proper, at the commencement of the Session to come to Parliament with a proposal for the better regulation of the projects already before the House. The less interference with capital there was by the Leislature the better; but the progress and construction of those great works involved serious and important social consequences.

After a few words from the EARL of EGLINTON,

LORD MONTEAGLE observed that in consequence of the difficulties attendant upon many of the new schemes, and the derangement of the pecuniary concerns of the public, which was apprehended from the demand for money consequent upon the construction of a multitude of railways, the subscribers to many of the projects were understood to be indisposed to the passing of the Bills, and desirous of being thus released from the engagements into which they had entered. Such a result was not to be deprecated on other grounds, since if some of the schemes were abandoned their Lordships would be freed from the necessity of entering upon a prolonged and fruitless series of inquiries. He believed, however, that upon this subject considerable delusion prevailed; and that parties supposed that it would be ineffectual to present any petition coming from those who had been the promoters of a scheme, praying the House to put a stop to its further progress. But this was a mistake; it should be known that at any time during the progress of a Bill, the parties themselves who had been subscribers to it might approach the Houses of Parliament and state that there were reasons which induced them to depart from their own Bill. If subscribers out of doors availed themselves of the power given to them, their Lordships would be freed from the multiplied investigations and inquiries which would otherwise arise. Let the subscribers, therefore, who wished to impede or withdraw from the engagements into which they had entered, be well aware that they had the power of doing so by appealing to Parliament.

The DUKE of WELLINGTON said, the Committee proposed by the noble Lord was to deal chiefly with arrangements previous to the construction of a railroad; but what he should like to see would be some mode of regulating the action of railway companies after the road had been constructed, and the safety and convenience of the public well provided for and insured. That was what he should wish. He begged leave to draw the attention of his noble Friend to that part of the subject, and would suggest to him whether it would not be desirable to bring the common law to bear on the operation of those companies, giving to the magistrates and local authorities power over the operation of the railroads in different parts of the country.

LORD HATHERTON said, there was no doubt that persons in the position described by his noble Friend (Lord Monteagle) were at perfect liberty to petition against their own Bill; but the mere act of petitioning would not relieve them from their responsibility. In the case of several schemes which were not *bonâ fide*, the sooner their real character was exposed by a petition to withdraw them the better; but where the subscribers were respectable, he thought no such course would be adopted. He concurred entirely in what had fallen from the noble Earl opposite, and would take that opportunity of saying that he did not think full justice had been done to the extraordinary talent he had displayed last Session in the arduous and complicated task which had been as-

signed to him in connexion with this question of railways. He differed, however, entirely from his noble Friend opposite (Lord Wharncliffe) in his wish that Government had interfered at the beginning of the Session with some plan. No doubt Parliament was competent to deal with that question; but he knew of no more injudicious course than that the Government should willingly take into their own hands the responsibility of adjusting it. It was the peculiar genius of the English people to deal with these matters, and to keep them in their own hands; and it was through that genius, and by the encouragement given to private enterprise, that the Empire had become what it now was. As he thought the machinery of Parliament was quite adequate to deal with all the cases that came before it, he was fully convinced of the importance of considering the question of amalgamation and the principle of competition; and he hoped, that in all the Railway Bills which came before Committees of their Lordships' House, that they would look narrowly into them; because their Lordships possessed an advantage in not being under the influence of powerful companies, which undoubtedly the Committees of the other House of Parliament were; and it was frequently in their Lordships' power to put a check upon projects of a doubtful or impracticable nature, which might have succeeded in passing the other House. He did not feel very sanguine of success of the proposition of his noble Friend (Lord Kinnaird) to group all the Railway Bills affecting particular districts together, and placing them under the control of a Government Board of Supervision. He was, however, of opinion, that something should be done to lessen the expense of obtaining Acts of Parliament for constructing railways. What was the use, for instance, of their Lordships and the other House of Parliament both having proofs of the compliance with the Standing Orders? Why should not the two Houses agree to refer to a Commission out of doors to investigate the mere matter of fact whether the Standing Orders had in certain respects been complied with, and the Parliamentary Committees reserve the power to themselves of saying whether the Standing Orders should not be suspended in particular cases? The appointment, in his opinion, would effect a great saving of time and expense, and would not at all infringe the inquisitorial privileges of either House, as a power might be reserved to revise the judgment of the Committee, and either suspend or enforce compliance with the Standing Orders, as they might deem it advisable.

Lord CAMPBELL agreed with the noble Duke in thinking that the subject of the safety of travelling on railways was a most important one, and he earnestly hoped it would be carefully investigated by the Committee of his noble Friend. In connexion with this matter, he would advise his noble Friend (Lord Kinnaird) to take into his consideration two Bills which passed that House during last Session of Parliament — he believed unanimously — but which, when they went down to the other House, were thrown out by Her Majesty's Government. The one was a Bill for abolishing deodands, and the other a Bill with reference to the responsibility of railway companies in cases where death ensued from accidents caused by their negligence. These Bills, though of the highest importance, were both thrown out, as he said, by Her Majesty's Government. There was, he believed, some control in the other House; he had heard recently, within a few hours, of the courtesy to be shown to Bills from that House; and he thought a little courtesy might have been shown to the Bills in question. The right hon. Baronet the Secretary of State for the Home Department, he thought, exercised a control in law matters which was not always for the public benefit; but if in these matters the right hon. Baronet would consult his hon. and learned Friend on the Woolsack, and follow his advice, the public would, he was sure, derive great benefit from that course. With reference to the remark of the noble Duke about the necessity of calling in the aid of the common law in respect to railways, he (Lord Campbell) begged to say that it was not common law but statute law which was wanted, because the common law was wholly inefficient for the purpose.

Lord REDESDALE hoped that those matters would not be referred to the Committee, for they did not, strictly speaking, come within its purview, but that the noble and learned Lord would himself reintroduce those Bills. He trusted that they would receive in the other House of Parliament, during the present Session, a very different consideration from that given them in the last. With regard to the appointment of a Commission, he thought that expedient would be most important

for the regulation of railroads when made, for the management of all the business of this department was beyond the powers of the Board of Trade. He thought the Commission would not work well in practice, and that it would be productive of great additional expense to the railway companies; for everybody who had any small grievance to complain of, would have a right to go before the Commission to state his case. He wished to know who was to bear those expenses. Certainly the county could not be expected to defray charges which were incurred for private purposes; and if those charges were thrown altogether on the railway companies, it would be manifestly unjust to make them responsible for the costs of their opponents in addition to their own.

LORD CAMPBELL begged to say he had just been informed that, by the existing law in Scotland, railway companies could be compelled to make compensation to the families of those who lost their lives in consequence of any improper management in the lines under their control. He wished the law in England to be assimilated to that in Scotland. On a recent occasion, the Glasgow Company paid 2,000*l.* to the family of a man who met his death on their line.

The EARL of DALHOUSIE would state the circumstances of the case for the information of the House. The accident occurred through a defect in one of the engines, with the existence of which the superintendent was acquainted. He had informed the directors of it, and when the case was laid before their legal advisers they told them it would be necessary to make compensation to the family of the sufferer.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Monday, March 30, 1846.

MINUTES.] NEW MEMBER SWORN. For Mayo, Joseph Myles M'Donnell.

PUBLIC BILLS.—2°· Art Unions.

3°· and passed. Indemnity.

PETITIONS PRESENTED. By Mr. John Tollemache, from Electors of the Southern Division of the County of Chester, alleging Fraudulent Objections to Votes of Electors.—By Mr. Bright, from Inhabitants of the Town of Northallerton, for Better Observance of the Lord's Day.—By Mr. Baskerville, and Viscount Clive, from several places, against the Union of St. Asaph and Bangor Dioceses.—By Mr. Bright, from Inhabitants of West Dean, Coleford, and Bilston, for Repeal of the Corn Laws.—By Mr. Hume, from Merchants, Tradesmen, Artificers, and Inhabitants of Ballinasloe, for Alteration of Law respecting Grand Jury Presentments (Ireland).—By Mr. Tatton Egerton, from Handloom Weavers of Wilmslow and its Vicinity, for Regulation of their Trade.—By Mr. Robert Palmer, from Ratepayers of Appleford, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. Bright, from Inhabitants of Uxbridge, Stoke Holy Cross, and Chesham, against Enrolment of Militia.—By Mr. Thomas Duncombe, from Board of Guardians of Reeth Union, for Alteration of the Poor Law.—By Sir James Graham, from High Sheriff and Grand Jury of the County of Leitrim, assembled at Spring Assizes, in favour of the Protection for Life (Ireland) Bill.—By Mr. Elphinstone, from John Frederick Stanford, Esq., of Foley House, Langham Place, London, for Restrictive Regulations respecting Railways.—By Mr. Brotherton, from Members of the Manchester and Salford Peace Society, for referring Foreign Disputes to Arbitration.

ORDERS OF THE DAY.

SIR J. GRAHAM was bound, in accordance with the strict Orders of the House, to state that he could not, without the permission of the House, make the Motion which he was about to move. The strict rule of the House was this—that on Mondays and Fridays Orders of the Day should have precedence of notices of Motion. It was not possible, then, for him, without its permission, to make the Motion that a certain Bill—the Protection of Life (Ireland) Bill, should be read a first time. He had therefore to move—

"That the Orders of the Day be now read, for the purpose of their being postponed until after the Motion for reading the Protection of Life (Ireland) Bill a first time, of which Notice has been given."

SIR W. SOMERVILLE rose to move that all the words after the word "being" be omitted from the Motion. He wished that the Motion of the right hon. Baronet should be negatived, and the Orders of the Day be now read, in order to be proceeded with. In doing so it was not necessary for him to trouble the House at great length. It was not his wish to embarrass Her Majesty's Government; but it was his wish to call the attention of the House to the great inconvenience that must be occasioned by postponing a measure which had now occupied a great length of time, which had absorbed much of their attention, in which were involved the hopes and the wishes of the people of England, and identified with which, he might justly and truly say, were the interests of this great Empire. Such a measure as that, for the settlement of which they were all anxious, was now before them; and the question they had to ask themselves was this, ought it to be postponed, in order that the Government might bring forward a Bill, certain to produce a long, an exciting, and an exasperating debate—to bring forward a Bill, and to

agitate a subject, which it was not the intention of the Government to press at the present moment; but which was now only to be moved for the purpose of its being postponed to a future day? It was not, he thought, necessary for him to enlarge upon the great inconvenience that must be suffered from the postponement of the Corn Bill. None, he believed, could be more aware of the fact—no body of men could be more alive to this inconvenience than Her Majesty's Government—no one could be more conscious of it than the right hon. Gentleman at the head of the Government. The right hon. Gentleman had presented petitions to that House deprecating delay. These petitions were couched in the most earnest language—they came from most influential bodies of men—they all spoke in the same tone—and they all called upon that House to interpose in the progress of the measures of the Government no unnecessary delay. It was not, he could assure the House, that in England alone this evil was felt. He himself had received communications, and some of them from parties who were not favourable to the policy of the Government, but still who earnestly requested of that House to come to some decision upon the measures of the Government, because whilst they were undecided, and whilst the fate of the Corn Bill was unknown, commerce was arrested, trade was at a stand, and the financial operations of the country were embarrassed. It was even said, that unless a speedy decision was come to, the evils now suffered must be greatly aggravated, and the embarrassments now experienced greatly extended. When all saw this and all acknowledged this, it was not necessary for him to enlarge upon the evils of postponement. But then he should be told, that in making this Motion he was doing that which was unusual, opposing the first reading of a Bill that had come down from the Lords—that to do this was not in accordance with Parliamentary usage; but his answer to such an objection was, that there were occasions when they could not listen to these formal rules of Parliamentary usage. It was undoubtedly competent for any Member of that House to object to the first reading of any Bill; and this was a Bill, the enactments of which were of a strict and stringent nature, operating to the suspension of the Constitution; and if a Member were to be deprived of the opportunity of resisting a measure with such an object—if he were not on the very first opportunity to dissent from it, then there never would be a time when a Member of Parliament could with propriety dissent from the first reading of any Bill. Why, he asked, were they now called upon to discuss this Bill? Why, if the Government were really in earnest in their proceeding with such a Bill, did they delay so long in presenting it to the Legislature? Why, if it were of paramount importance, have hesitated with it—why, if it were of urgent necessity, have dallied with it? Why were they so tardy, and why so pressing? He wished to be allowed to call the attention of the House to the mode and manner in which this Irish measure had been brought forward. It might be that some of his fellow countrymen really thought that transporting men for being out of their homes at night would arrest the arm of the assassin; but then he must say, that such of his countrymen who thought so, had just cause to complain of Her Majesty's Government. On the 22nd January Her Majesty, in Her Speech from the Throne, called the attention of the House to the state of Ireland and the unfortunate prevalence of acts of assassination there. Was it not, then, the first duty of the Government to take measures for the preservation and safety of life in Ireland? And, supposing that the Government was sincere in its intention, and that they believed this Bill could effect so desirable a purpose, ought they to have lost a single day without bringing it forward? Was the Bill produced the first week of the sitting of Parliament? No. Was it brought forward in the first fortnight? No. Was it proceeded with in the first three weeks? Not at all. Nearly a month had elapsed before they came forward with a Bill to provide for the safety of life in Ireland. Nearly a month had elapsed before any Irish Bill obtained a first reading in the House of Lords. And when it was introduced, was there any haste, any eagerness exhibited by Her Majesty's Ministers to go on with it? No, not at all. The Bill was not introduced until the 16th of February, and it did not pass the House of Lords until the 13th of March; and there they were now, in the House of Commons, on the 30th of March, and its first reading was only about to be moved? Was there, when they saw such a course pursued, anything uncharitable in surmising, either that the Government was not sincere in proposing this measure, or they did not hope for any beneficial effect from it? Why then was the House

called upon to interpose with such a measure as this; and why were they forced to make it the occasion of delay to another and a more important measure? The Irish Members could not consent to the first reading. Why, then, were they forced despite of themselves to enter into these debates? Why were they placed by the Government in this disagreeable dilemma? Why compelled to do that which must inevitably delay another measure, and one in which were concentrated the hopes and on which dwelt the wishes and rested the expectations of the people of England? He deeply regretted that the Irish Members were obliged to take this course; he could assure the English people that this interposition was not of the seeking of the Irish Members—that it was forced upon them, and he trusted that the course they now pursued would not be mistaken when they had given such evidence of their willingness to forward the Corn Bill. If that Corn Bill were now to be postponed for some weeks, the fault rested, not on them, but solely on the conduct of the Government. The Irish Members had supported the Corn Bill—they wished to promote its passing; but when another Bill was interposed, they were compelled to object to that Bill, and thus unwillingly to delay the Corn Bill, of which they had already recorded their approval. And now, he wished to address a few words to the protectionist party in that House, and to his noble Friend (Lord George Bentick) the leader of that party. He was aware that his noble Friend had laid great stress, in the few words he had addressed to that House upon this subject, as to the peculiar importance of the Corn Bill; and he knew that there might be many Gentlemen of his noble Friend's party, who, not being anxious, like many Members on his (the Opposition) side of the House, for the speedy settlement of the Corn Bill, might be inclined on this occasion to give their support to the right hon. Baronet (Sir R. Peel) in the hope of further postponing the Corn Bill. If he understood what his noble Friend had said the other night, he apprehended that his noble Friend was on this occasion inclined to support Her Majesty's Government, if they proved themselves really anxious for the present measure, by pressing it through the House. But what Government was now doing was not pressing the measure forward. All that the Government was doing was making a Motion *pro formâ*—playing fast and loose—reading the Bill to-night, and then not bringing it up for some weeks, until the Corn Bill had passed through all its stages. Might he then presume, on this occasion, to intreat of his noble Friend to consider the position in which he was placed? The Government was now about to do that very thing which his noble Friend had deprecated. They were about to move, *pro formâ*, the first reading, to take no further steps for some weeks, but to press forward another Bill. This he would say was no light matter, in which the party of his noble Friend were called upon to act. It was well before they moved that they considered what they did, and what must be its consequences. It was clear that if they now voted with the right hon. Gentleman they did so merely for the sake of postponing the Corn Bill, and not for the sake of helping the Government to pass this measure. He hoped that his noble Friend would not do that which must bring him and his party in collision with the Irish nation—that he would not seek to make a political convenience of it, nor for a party purpose trifle with the feelings of the Irish people. It was possible that his noble Friend and his party at no very distant period might have the government of Ireland intrusted to them. Yes; it might be so; and therefore it was that he called upon his noble Friend to weigh the position in which he was placed. He had confidence in the noble Lord that he would not, for the sake of postponing one measure, give his vote in support of another, and that the sole reason for his vote would be that it was in accordance with the just claim which Government might have upon him for his support. Having said thus much it was not necessary for him to trespass longer upon the attention of the House. It would be better, he was convinced, for all parties, that the Irish Bill should not now be proceeded with. Its discussion, at this moment, could only give rise to angry and exasperating debates. Better, he said, for all parties, that these should not be provoked; and he might be allowed to say it would be better for the Government itself that it should be postponed until they could produce other measures more worthy of general support. Let the Government, he said, take advantage of the delay, and let them place on the Table of the House their other Irish measures. Let them, for they had abundance of time to do so, place before them that Bill, which they said

they had in preparation, a Landlord and Tenant Bill. Let them place, too, before the House a Franchise Bill. Let them place on the Table a Bill for the amendment of the Municipal Corporations Bill. Let them do that, and then seek for a support which they might hope from those who would not sanction this when severed from every measure of a conciliatory character. Let the Government, he said, prove that their attention was fixed upon the welfare of the Irish people —that they sought not alone to punish the evil-doer, but that he who acted well was worthy of consideration. Let them have not merely an enactment of a severe nature, but also enactments tending to the well-being of the people, and calculated to produce peace, happiness, and security throughout the Empire. He had endeavoured to avoid every irritating topic. He had thus addressed the Government and the House because he was actuated by the sincere conviction that the attempt now to go on with this Bill would be destructive to the best interests of the country; and he could not help thinking that if the Government were anxious to go on with the Corn Bill—and he was sure they were —they would avoid the debate which a persistance in their Motion must produce. He therefore would negative the Motion made by the right hon. Baronet, and say that the Orders of the Day should not be postponed.

MR. SMITH O'BRIEN, in seconding the Motion, said he was anxious to take the earliest opportunity of addressing the House, in the hope—and he feared it was a vain hope—that by appealing to the right hon. Gentleman on the Treasury bench, they might be induced not to persevere in their present course, with the idle expectation they could succeed in it. They were now about to enter on a contest which would continue for months—a contest, he said, which the Members for Ireland wished to avoid; but which, when once forced upon them, he could assure those who listened to him, that no inconsiderable portion of the Irish Members were determined to take advantage of every form that House permitted, and that, too, to defeat a Bill which they believed would have no other effect than to exasperate Ireland without suppressing a single crime. He appealed to the right hon. Gentleman opposite to remember that the population of Ireland were starving, and that they should rather encourage Members to return to their homes for the purpose of alleviating the distress of the people, than to keep them, interposing as far as they could, by every means in their power, in that House, to defeat a Bill, such as that now before them; or if there were no use in making such an appeal to the Government, then let him resort to one of another kind. Let him remind the right hon. Gentleman that he had not in that House more than 120 Members to support him; and he wished to know whether, with such an inconsiderable segment of a party, and with a formidable majority in that House against him, he was to venture forcing upon them such a measure as this? Did the right hon. Gentleman calculate on the support of those who sat on the same side of the House with him, and yet were opposed to him? And if he did, what must be the nature of that support? When the hon. Member for Cavan (Mr. Young) was destined to go down to posterity as "the disavowed plenipotentiary," who was to be found willing again to undertake the mission of patching up a truce, and seeking a convention between the right hon. Gentleman and that party? He was not present when the terms of the treaty were exposed; but he understood the noble Lord the Member for Lynn, that if the Government introduced this measure before Easter, then the noble Lord would consider it wise, proper, and expedient; but if after Easter, then the complexion and character of the Bill were, in the noble Lord's judgment, utterly transformed, and it was declared to be utterly untenable and unconstitutional. Was that the kind of support on which the Government calculated for passing this measure? As to the Whigs, he did not know what part they meant to take on this question; but if they followed the advice of the Lord Chief Justice of England, he must hope that they would assist the Irish Members in defeating such a measure as this. And now he appealed to the right hon. Gentleman (Sir R. Peel), whether he would allow the Irish Members to be dragged into a contest which they were willing to avoid, and which yet must afford to them the most full opportunity of exposing every portion of the misgovernment of the right hon. Gentleman and his party? And then if the right hon. Gentleman succeeded, and it could only be at the end of long and protracted Session, he believed that the only result would be to afford to them who were denounced as agitators the strongest possible arguments. He did not

wish to use any irritating or angry topic ; but, in supporting the Motion of his hon. Friend, he begged leave to protest against the example that was given by the Ministers in invading the privileges of that House, and in attempting to interfere with its regular proceedings. According to the Standing Orders of that House, the Monday's and Friday's Orders of the Day should take precedence of Motions ; and yet the Ministers called on the House to set aside its Standing Orders to proceed with this measure. Such a course fully justified the Irish Members in moving repeated adjournments for the purpose of defeating the measure.

Sir J. GRAHAM said: I really had hoped, Sir, that the course I took in the commencement of this preliminary discussion, would have exculpated me from the last accusation made by the hon. Member for Limerick, that I have shown any disrespect to the orders of this House; for I stated fully and explicitly to the House, that it is only by their favour that I can be enabled to make my Motion. I dissembled nothing—I distinctly stated the difficulty—and I laid before the House my reason for making this preliminary Motion. I am aware that I shall experience great difficulty in bringing before the House the particular Motion which I am anxious to submit to its consideration with as little delay as possible, except by taking the course which I now ask the House to sanction. I by no means deny the competency of this House to refuse to give a first reading to any Bill sent down from the other House; it is competent for this House to refuse to read a first time any Bill sent down to it ; but on referring to the Journals, and looking at each case, it will be found that there are very few examples in which such a course has been adopted. In the other House it is open to any Member, as a matter of pure right, to lay upon the Table of that House any Bill which such Member may think proper to introduce. No leave is required, and, as a matter of course, the Bill is read a first time; and although here our Orders are different, and it is necessary for a Member of this House to obtain leave before he can introduce a Bill, yet the ordinary course, and almost the invariable rule, when a Bill comes from the other House relating to a subject the matter of which is well known, is, to read the Bill a first time at once. With the single instance of the Coercion Bill of 1833, there is not, I believe, another exception to that rule. It is not possible however, to make the first reading of a Bil coming from the Lords an Order of the Day, without making a Motion for that purpose. Circumstances, therefore, have driven me to the necessity of submitting this preliminary Motion; and I assure hon. Gentlemen, after the delay which has already taken place, owing to the long discussions on the Resolutions relating to Corn, and on the second reading of the Corn Bill, the time has arrived when, in the opinion of Her Majesty's Government, with reference to the peace of the country, and with reference to the security of life and property in Ireland, it has become indispensably necessary that the opinion of this House should be taken upon the principle of the measure for the better security of life, sent down from the other House of Parliament by large majorities. Now, the hon. Baronet the Member for Drogheda has stated that there has been culpable neglect in introducing this Bill into Parliament, after the announcement made by Her Majesty in the Speech from the Throne at the commencement of the Session. Sir, it would be in vain to dissemble with the House—at all events I will not attempt to dissemble—the extreme difficulty in which Her Majesty's Government are placed at this particular moment. I did think it a matter of primary and paramount importance, considering the condition of Ireland, and taking also into consideration the general reasons for an alteration of the Corn Laws, that with the least possible delay, and at the commencement of the Session, the policy of the Government should be announced as to the existing law for the importation of corn. The effect of that announcement, undoubtedly, was to derange the Irish Government, and to prevent us from having the full assistance of those who had the conduct and charge of affairs in that country. For reasons which it is unnecessary now to enumerate, we lost the assistance of my right hon. Friend the Irish Secretary, under whose immediate advice in Ireland this Bill had been prepared ; and his successor, the present Secretary for Ireland, a noble Friend of mine, is not now a Member of this House. I do not lay any great stress on these events; but still our decision with respect to the Corn Laws did lead to some delay in introducing the Bill, which I am now anxious to have read a first time, into the other House of Parliament. I think Parliament met at the end of January, and

this Bill was introduced into the other House early in February. The question then is asked, whether the Government is sincere in wishing to pass this Bill? I have stated that the primary measure which, in our opinion, ought to be passed, is the Corn Law. I have also stated our opinion that it is absolutely necessary that the further stages of that Bill should be pressed with the least possible delay; but though it is of primary importance that the Corn Bill should, with the least possible delay, obtain the sanction of this House, still, on the other hand, we do attach immense importance to the expression of the opinion of this House on the Bill to protect life in Ireland which has come down from the other House. We conceive that the moral effect of the adoption of the principle of this Bill, by giving to it a first reading, will be of inestimable value in aid of its object—to give greater security for life in Ireland; and, on the other hand, we are satisfied that if, upon this Bill, which has received the sanction of the other House, which we know from the Votes has been sent down to us by large majorities, this House, by any combination of parties, should by a large majority decide not even to entertain it, the moral effect of such a course of proceeding will be most mischievous to Ireland. Any step more fatal to the peace, more injurious to the safety, and more fatal to the maintenance of order and the predominance of the law, cannot well be taken. I am certainly aware of the fact, which the hon. Gentleman the Member for the county of Limerick has advanced, that in the present state of parties in this House, the declared adherents of the Government are a small minority; but while we are the servants of Her Majesty, charged with the conduct of public affairs, the accumulation of difficulties to which he has adverted, and the situation in which we are placed, prescribe to us only one course, which we ought to pursue—steadily and perseveringly, and to the best of our judgment to press on the adoption of Parliament the measures which we believe to be conducive to the public safety and to the public good. If it should be the opinion of the House that the course we are taking is inconsistent with that duty and inconsistent with public safety, there is an equally plain course which the majority can take to give expression to its opinion. But whilst we remain Her Majesty's servants, I again repeat that, to the best of our judgment, we will take that course which we believe the public safety and the public necessity demand. We are still of opinion, that the proceeding with the Corn Law ought not to be retarded by pressing the ulterior stages of this Bill; but, on the other hand, without the total and entire abandonment of this measure, it will not be possible longer to delay or postpone reading for the first time a Bill having the sanction of a large majority of the other House. If we fail to press the present Motion, our sincerity may be questioned; but I am satisfied, as much as I can be of any proposition, that it will not conduce to the real interests of Ireland to postpone the first reading of this Bill, and the decision of the question whether this House will entertain it. The hon. Gentleman the Member for the county of Limerick (Mr. W. S. O'Brien) has adopted a tone quite different from that of the hon. Baronet who moved the Amendment. The hon. Baronet the Member for Drogheda has urged only those considerations of policy on which it is my painful duty to differ from him; but the hon. Member for Limerick has threatened us with another course of operations; he has declared that he will use all the forms which the House will permit for the purpose of obstructing the progress of the Bill, even if the majority should determine to allow it to proceed. Again, I say to the hon. Member for Limerick, that, acting solely for the public good, we should be utterly unworthy of the public confidence if we yielded to his threat. If it be the pleasure of any Members of this House, whether they be individuals or a small body opposed to the progress of this measure, to use the forms of this House to obstruct the course we wish to pursue, I will not give my assent to any such proceeding; the responsibility will rest with those who have recourse to it; but the responsibility of the Ministry is to do our duty in consistency with the forms of this House, and, to the best of our power, to press upon the attention of the House this measure, with such facts and reasonings as I shall be able, with the pleasure of the House, to adduce. I crave to be permitted to state what, to the best of my judgment, is the necessity for this Bill; if that be allowed me, I think that I can lay evidence before you, which, appealing to your impartial judgment, and apart from party consideration, will influence your decision; and I repeat, that indefinitely to postpone hearing the case on

the part of the Government, and coming to a judgment upon it, will, in the present circumstances of Ireland, be attended with the most prejudicial effects. I have dissembled nothing—I have told the House what is the real state of the case. I am painfully aware of the position in which the Government is placed. We are equally sincere in our former determination and in our efforts to bring the Corn Law to an early and a satisfactory termination; but, on the other hand, we are anxious—I fear to express how earnestly anxious we are—for the adoption of a measure which the present condition of Ireland renders indispensably necessary. And now, having made this statement to the House, I leave it to the majority of the House to determine the course they will adopt; but my individual judgment will remain unshaken—that to refuse to hear the case of the Government, and to refuse to read this Bill a first time, will be most pernicious and injurious to the interests of the country.

Mr. SHAW said: I shall support the Motion of the right hon. Baronet to proceed with the first reading of the Bill. In the present lamentable insecurity of life, and person, and property in Ireland, I cannot refuse to an existing Government leave to proceed with a Bill which they, upon their responsibility, propose as calculated to mitigate that great evil. I confess that I am not very sanguine of the success of the measure. Nothing but an imperative necessity can justify the extra-constitutional powers the Bill confers; and if that imperative necessity exists, which I believe it does, then I agree with the hon. Baronet who has moved the Amendment (Sir William Somerville), that the Government should not have so long delayed the measure; and given reason to the public to doubt whether they were in earnest in considering it of paramount importance. In the House of Lords the Bill was delayed from the 22nd of January to the 13th of March; whereas the Whig Coercion Bill, in 1833, was passed between the 29th of January and the 22nd of February. Further, the Government should not have suffered the Bill to be mutilated as it has been in its passage through the House of Lords: in exceeding the limits of the law, they should have well considered the exigency—not asked for more than they required, and not have taken less. I also agree with my hon. Friend the Member for Limerick (Mr. S. O'Brien), that in the present weak condition of the Government, they will want that moral weight which is necessary for the efficacy of such a measure. The Irish Members at the opposite side of the House will of course oppose them; and I observe that in their last great division, on Friday night, the Government had of their own supporters exactly seven Irish Members — three of the seven being in office. I, for my own part, believe that if the existing law had been administered with a steady and temperate firmness in Ireland, things would not have come to the unhappy pass they have. But I am of opinion, that from the commencement of the monster meetings and monster agitation to the present time, the law has not been so administered. On the contrary, the policy of the Government in Ireland has been for some years what is only now beginning to be seen on the English side of the water—a spirit of compromise—of spurious liberality—of want of reliance on the permanent principles of truth and justice — a passing over of the best and most competent men of their own party from unworthy fears—a tampering with an inferior class of the opposite party (for the higher would not listen to their overtures) from equally unworthy hopes—in short, a trading on the generosity of their friends and the meanness of their opponents, until the Government was left without the confidence or respect of any party in the country. I am not so unjust as to blame the so-called Irish Government for this state of things; it is allowed no independence of action. I lay the blame where it is justly due, at the door of that department in England, whose mere puppets the Irish Government was required to be. No doubt the Secretary of State for that department (Sir James Graham) will say that those remarks are dictated by disappointment on my part that I am not myself Secretary for Ireland. Now, upon that point, before I sit down, I will crave the kind attention of the House for a few minutes to listen to my answer to the unwarrantable attack that was made upon me on Friday night by the right hon. Baronet (Sir James Graham), when I had previously spoken in the debate, and therefore could not reply to it.

The SPEAKER: The right hon. Gentleman can only allude to a former debate, if permitted by the indulgence of the House.

Mr. SHAW continued: Sir, I am perfectly aware of that, and I throw myself entirely, but under the circumstances,

confidently, upon that indulgence. [*Loud cheers, and cries of* "Go on."] Well, then, I will commence by saying that, between the right hon. Baronet (Sir James Graham) and me, there must be no special pleading—no quibbling about words; and if his attack meant anything, it meant this —that my present opposition to the Government was influenced by disappointment that I had not been able to job my office of Recorder of Dublin for the purpose of becoming Chief Secretary of Ireland. First, then, as regards even the colour of truth of that portion of the charge which relates to the arrangement of my present office, I will state what the facts were. When the Whig party introduced the Irish Corporation Bill, they had in it a clause providing that the office should remain in all respects as it then was until Parliament should otherwise arrange it. It had become after the passing of the Bill a most anomalous office—formerly in the gift of the corporation of Dublin, it then fell to the patronage of the Crown, but with none of the attributes of a judicial office presented to by the Crown, its income being made up partly by annual votes of Parliament—partly from the funds of the corporation, with which it was no longer connected—and partly by fees. When the Government was fixed in office in 1842, among many other Irish subjects that I was then in almost daily communication about with the right hon. Baronet at the head of the Government (Sir R. Peel), I brought the state of that office under his consideration. The right hon. Baronet (Sir R. Peel) asked me to put my plan on paper; I consulted the Irish law officers as to the most advantageous arrangement for the public, and then proposed a plan for the consolidation of several local, judicial, and other offices in Dublin, which would have effected a saving of between three and four thousand a year to the public; but also—and I am anxious to give the right hon. Baronet (Sir J. Graham) the full benefit of the admission—it would, with increased duties, have raised the salary of the Recorder, charged it on the Consolidated Fund, and provided a retiring allowance, under proper regulations—as was the case with every other judicial office in Ireland, including the assistant barristerships of counties. In doing this I was no humble suppliant for favour, and very sensible of the difference between my own position, as a private individual, and that of the Prime Minister; still upon that, as upon every other occasion of our confidential communication, I felt myself, in the sense to which I am now referring, upon independent and equal terms. Well, the result was—having conferred with the right hon. Baronet (Sir R. Peel), with the right hon. Baronet the Secretary for the Home Department (Sir J. Graham), confidentially as I thought—though I don't care if he publishes on every market cross in England everything I ever said to him—with Sir Thomas Fremantle and others, they said that, considering the patronage of the office was in the Government—that I was in the House of Commons—that Dr. Lushington and the Masters in Chancery had been recently excluded as judicial officers; they thought it would be inexpedient to raise a discussion on the subject. I concurred in that opinion—I never remonstrated—I never complained—I never felt the slightest annoyance; and from that moment—four years ago—to the present, it never cost me a thought. But now I come to the real gravamen of the charge; and that is, that my object and application was to obtain the Chief Secretaryship of Ireland, or some other office, for I will give the right hon. Baronet the amplest latitude. Now, if that had been true, I think the House will be of opinion—that it would have been inconsistent with all official etiquette, with the ordinary dealings between gentlemen; and above all, unworthy of a Minister of the Crown to divulge what in its nature must be an essentially confidential communication, —for the sake of producing a momentary impression against a political opponent in this House. Again, supposing it to be true, a high and generous mind, above such sordid influences over its own public conduct, would scarcely impute them to another. But what will the House think of the Minister and the man who could make such a charge—when, instead of its being true—I declare on my word of honour there is not from beginning to end one word of truth in it. I now make my appeal direct to the right hon. Baronet at the head of the Government (Sir Robert Peel): he will excuse me for mentioning—he will feel that I am forced to it—all that ever passed between him and me on the subject of office. It was very short, and I think I can accurately state it. On the return of the right hon. Baronet from abroad, in the end of 1834, and on his assuming the reins of Government, I was in constant communication with him; and, at our first

interview after he arrived in this country, he asked me if there was any office I would accept. I at once, and unhesitatingly, said not, and assigned my reasons: that I would not take any judicial or other office which would exclude me from Parliament; that I preferred my present office and the representation of the University of Dublin; and that I could not take any political office, for I could not afford to give up the permanent office I held. From that time I was for many years in close and intimate communication with the right hon. Baronet (Sir Robert Peel.) I co-operated with him under some trying circumstances and painful difficulties of which he is not unaware; and now, with confidence, I ask the right hon. Baronet (Sir Robert Peel) whether he believes I was ever actuated by a selfish or personal motive?—[Sir ROBERT PEEL, Hear.] But, be that as it may, I solemnly aver that from that conversation, in 1834, to the present day, I never spoke to the right hon. Baronet (Sir Robert Peel) on the subject of office. I never, directly or indirectly, applied to any human being for office. I never suggested, or hinted at, or contemplated the office of Irish Secretary, or any other save the subordinate office which I now hold, and which is

> "——————— enough for me,
> My bread and independency."

And does the right hon. Baronet (Sir James Graham) think that it did not degrade him—or, at all events, degrade the high office he holds—not in the heat of the moment—not under the irritation of a speech recently made; but after three days—premeditatedly—commencing an adjourned debate, at the calmest hour of the evening, to bring an accusation that had not in it the shadow of truth; a low vulgarism—in which the right hon. Baronet (Sir James Graham) had not even the merit of originality, but had borrowed from a local party newspaper—and to sustain which, I utterly and indignantly defy him to produce the slightest tittle, the minutest atom of proof. The right hon. Baronet then complained that I, sitting behind the Government, knew that they were falling, and kicked them because they were falling. Now, I cannot well avoid sitting behind the Government—I am, after all, as near the gangway as I can go; and if the right hon. Baronet (Sir James Graham) means that all Members at this side of the House who have retained their sentiments are either to change their seats or mince their words to gratify the taste of the right hon. Baronet—the benches behind the Government—well thinned already—would soon be deserted indeed. That the Government is a falling Government, both in power and character, I lament to be obliged to believe; and furthermore, I am persuaded that the right hon. Baronet is the evil genius who is hurrying them to their catastrophe. The party to which the right hon. Gentleman formerly belonged, three years ago made a common prediction, which the late and the present adherents of this Government will soon unite to fulfil—that no Cabinet can long exist in England of which the right hon. Baronet is a Member. As to the kicking from behind—if that is the proper description which the right hon. Baronet gives the operation—I may remind the right hon. Baronet that last year, when he was not a Member of a falling Government, I performed the same operation as vigorously as I was able upon the right hon. Baronet; but I do not kick the Government because they are falling. Let the right hon. Baronet recollect that the taunt comes ill from him, for it is not I that have changed my opinions; it is not I that have deserted my principles. I, perhaps, feel too strongly, and I speak as I feel. The habit may sometimes be inconvenient; but I am not willing to unlearn it by becoming the disciple of the right hon. Baronet. The right hon. Baronet says he prefers my open hostility to my smouldering resentment. He may depend upon it that when I feel hostility I will always show it as openly and as fearlessly as I did on the occasion to which he referred. Resentment I never felt towards the Government, and, most of all, not towards the right hon. Baronet at the head of the Government; far from it. I entertain for him (Sir R. Peel) personally unaffected respect; and, my sincerest sorrow is that he has fallen into the hands of the right hon. Baronet the Secretary for the Home Department. Finally, I can, with truth, assure that right hon. Baronet (Sir J. Graham) that I do not regard him with either hostility or resentment. The feeling I have for him is not so dignified; but out of deference to the House I will forbear to express it. I cannot sufficiently thank the House for the indulgent attention with which they have heard me on a personal matter, with which I am very sorry that I have been obliged to trouble them; and I still more gratefully acknowledge the general murmur of disapprobation with which the other night they received the accusa-

tion of the right hon. Baronet (Sir J. Graham) against me, when, according to the rules of the House, I could not be heard in my own defence.

Sir J. GRAHAM: I can assure the House that I shall strictly confine myself to explanation. The right hon. and learned Recorder of Dublin has complained that I took advantage of the interval of two or three days for preparing an elaborate attack against him; but, after the speech he has made, I will leave the House and country to judge of the fine judicial tone and temper he has displayed upon this occasion. But I said that I would confine myself to explanation, and there are two points to which I shall refer. The right hon. Gentleman said that I had preferred an accusation against him. [Mr. Shaw: An insinuation.] Then we have already parted with that word "accusation," and it is now reduced to insinuation; and I will observe that, if it be the pleasure of the House to refer, not only to former debates, but to listen to the explanation of the allusions in those debates, it will be my duty to offer such explanation. There are two allusions in the speech to which the right hon. and learned Gentleman refers. The first is, the possible political ambition of passing from the judicial to official station that swayed the mind and judgment of the right hon. and learned Gentleman. I admit that allusion; but that allusion was prospective; and it was an allusion to what I thought might possibly, and even probably, have been the object of the right hon. and learned Gentleman. It was an allusion made prospectively with reference to the formation of what I think I called a protection Government. The other allusion was to a matter of fact; and the right hon. and learned Gentleman, I think, said something about confidential communication, and a breach of confidence. Now, the House will remember—and the right hon. and learned Gentlemen himself has alluded to it—that in the course of last Session he stated distinctly that he never had been what I ventured to call him, my right hon. Friend; and he disclaimed the propriety of my using that expression—he said he never had been my Friend; that he had only a political and Parliamentary acquaintance with me; and he drew a distinction, which he has drawn again to-night, between me and my right hon. Friend at the head of the Government. He said, that with my right hon. Friend he was on terms of friendship, but that with me he had none; and on a former occasion, as on to-night, he singled me out as the object of his bitterest attack. Now, then, with reference to confidential communication. There is no confidence, I conceive, under such circumstances, and after such a disclaimer. If there had been any confidential intercourse or communication, I should not be the man to abuse it; but, in the absence of such confidence, I do think I am perfectly justified in referring to a communication—an official communication—between the right hon. and learned Gentleman and me within, I think, three months after my acceptance of office. About the commencement of February, 1842, the commencement of the first Session after I accepted office, the right hon. and learned Gentleman did propose a measure to my consideration, the outline of which was that the office of the Recorder of the city of Dublin should receive a salary from the Consolidated Fund of 3,000*l.* a year; and that provision should be made for a retiring allowance to the present occupant of that office. I deliberated upon that officially, and I returned an answer that I could not be a party to any such proposition; and since there is no confidence between the right hon. and learned Gentleman and myself, if he will refer to his correspondence of February, 1842, he will find the letter, which he has my full consent to read to the House, in which I stated the reasons, the public official reasons, why I could not be a party to any such measure.

Mr. O'CONNELL said, the right hon. Baronet had talked of the threats of his hon. Friend the Member for the county of Limerick, of availing himself of the forms of the House to give every opposition in his power to this Bill; but what did the right hon. Baronet do himself? Did he not call upon the House to trample upon one of the Sessional Orders, and to deprive the Irish people of the protection of that Order? That Order was made for the protection of the public, that no person should be taken by surprise; and surely there ought to be notice given of any Motion for the purpose of suspending that Order. Did the right hon. Baronet believe that the Irish people would not be much more affected at finding a Sessional Order that was made for their protection trampled under foot—would not the moral effect of such a course, in order to get a Coercion Bill for Ireland, be much greater than could be produced by a majority of that House? They were accustomed to have

majorities of that House deciding against them; but it was now proposed that, to get a Coercion Bill against them, the Orders of that House were to be trampled under foot. He believed that the Motion before the House was to postpone the Orders of the Day until after the first reading of this Bill; but there were so many Motions on the books of that House upon the subject—he himself had an important Motion of an Amendment—that he could assure the right hon. Baronet that he would gain nothing by his perseverance. He, therefore, hoped that the right hon. Baronet would not persevere in his Motion, seeing that no beneficial effect be given to it; seeing that he could not advance himself one hour; seeing that there was no part of the Government of Ireland, not only in his—the right hon. Baronet's—time, but in past Governments, but must necessarily be involved in the debate, that there was not a measure of any Government inimical to the Irish people, that would not be a legitimate topic of discussion in this case; and that it was, therefore, utterly impossible that any advantage could be gained by proposing this irregular Motion against the ordinary rules of proceeding.

Mr. C. POWELL considered he was not asking anything unreasonable in calling upon the right hon. Baronet at the head of the Government to listen to the real wishes of the people of England, that the Corn Bill take precedence of every other measure. He should like to ask the noble Lord the Member for King's Lynn (Lord G. Bentinck) to favour the House with a minute of the negotiation which had lately taken place between him and the Government upon the present measure.

Lord G. BENTINCK: My hon. Friend has appealed to me as the leader of a party. I beg to say that whilst I am proud to serve in the ranks of the protectionists, I think it right to state I have never set myself up for their leader; but since they do sometimes request me to express the feelings of the greater part of them, I am able to state that, if the day should come, which some hon. Gentlemen seem to anticipate, when we shall be responsible for the government of Ireland, the principles of protection will not be extended to the broad-day murderer and the midnight assassin. Protection will be given to the loyal and the well conducted—to the honest and the poor man in the pursuit of his lawful functions. I condemn, as strongly as any man can condemn, the dilatory proceedings of the present Government, when they advise Her Majesty to come down, and in Her Speech to Parliament to say that She sees with great regret the system of assassination prevailing in Ireland, and when Her Majesty calls upon the Parliament forthwith to consider measures for the punishment of those who commit these desperate crimes, I condemn the Ministers who have delayed from the 22nd of January to the 30th of March the proposal to read the measure for the first time. The present measure is warmly supported in the other House by all the principal leaders. It is supported by the Marquess of Lansdowne, by the Marquess of Clanricarde, by my Lord Cottenham, and by Lord Campbell. Therefore there is no excuse for Her Majesty's Ministers delaying to bring it before Parliament. When I look at the statements which have been made by a Minister in the other House of Parliament, and see that in ten counties alone the offences against persons, the offences against property, and the offences against the public peace, amount to four thousand seven hundred and eighty, I must say that I concur in opinion with the Marquess of Clanricarde, that no Bill has ever been introduced into this House of Parliament which can compare with the measure now before the House; and there is necessity for pressing it forward. I agree with the hon. Member for Lancashire in thinking that this measure for the protection of life in Ireland is the precursor of further measures favourable to the Irish. But it is of no use to propose measures for the improvement of the Irish people so long as no man can pursue the occupations of industry or carry out any improvements, without an immediate prospect of being arrested in those improvements by the hand of the broad-day murderer and the midnight assassin. For these reasons it is that I call on those with whom I act to give their hearty and honest support to Her Majesty's Administration, so long as they show an earnest desire to put down murder and protect property in Ireland. The right hon. Gentleman at the head of the Government has told us that this is a Bill to put down murder and assassination; and I say that as long as the Bill is delayed, the blood of every murdered man is upon the head of Her Majesty's Ministers—the blood of every man who shall be murdered, pending the passing of these measures, will be upon the head of Her Majesty's Administration, and upon the head of this House, if they and we neglect

to pass this measure. What is the state of things in Ireland? It is not only that those who themselves have given offence are liable to be murdered, but we see instances every day of even women with children in their arms being shot from behind ditches. ["Name."] I will name. What think you of the case of Fanny MacFennel, the wife of a wood-ranger, who was shot for no other offence than this, that her husband was supposed to be active in arresting trespassers upon the estate of his master. [An Hon. MEMBER: Where?] In the county of Tyrone, and for no other offence than that of arresting trespassers in the woods of his master. This unfortunate woman, far advanced in pregnancy, and carrying an infant in her arms, was shot from behind a hedge by a murderous assassin. She herself lingered from her wounds, and after a miscarriage and the birth of a still-born child, in two or three days she died, while the infant in her arms was severely wounded in its head, and, for anything I know, may have since died. If the passing of the measure now before the House be delayed at this present time, it cannot come into operation for at least three years. What I have mentioned has not been a solitary instance. How many days ago was it since Sir David Roche was shot at for no other crime than this, that at the bidding of one tenant he refused to turn out the widow of that man's brother whilst the body of her late husband was still lying in the house. But these are not all. The state of Ireland appears to be this—that a man can scarcely go to church —no old lady of eighty can go to church, without the risk of being shot at by assassins. What do you think of the case of Mrs. Bennet, an old lady of eighty, who was driving in her car, when she was stopped by two ruffians, one armed with a whattle, and the other with a pistol. Her offence was, that she had refused to turn off two faithful servants, one of whom had been shot at and desperately wounded in the arm whilst at his supper. Neither are these all. Have we not seen the statement made by Lord Farnham in the other House of Parliament. A friend of his was murdered in the broad day, and, though there were hundreds of people by, nobody offered either to prevent the murder or arrest the murderers. It is perfectly well known that the murderer is still in the country, and the haunts he visits are also well known, but nobody dare arrest him. What have we heard an account of on the 7th of this very month? Mr. Ryan tells us that himself and his wife and ten children, with five servants, were engaged in evening prayer, when a blunderbuss, loaded with nine bullets, was fired into the room, clearly showing what was designed by the assassin's fixing that period for the execution of his plans, that the slaughter might be the more universal. Because these things occur, we are charged with being indifferent to the interests of the Irish people, and therefore I shall certainly support the Government in forwarding this measure, by which a system of murder and assassination will be effectually put down. I will speak for those around me, that we will not consent to have the name of liberty prostituted to broad-day murders, and midnight assassinations.

SIR GEORGE GREY had risen to express his hope, that, notwithstanding the speech of the noble Lord, the House would not be led into a premature discussion as to the state of things in Ireland, and which had induced the Government to introduce this measure into the House. The time would come when the right hon. Baronet the Secretary for the Home Department might state grounds which would justify the introduction of this Bill; the time might come when the House would be called upon to determine whether this Bill, framed to meet the extensive system of crime in Ireland, should pass into a law; but his hon. Friend the Member for Drogheda pressed that they should not put these questions to a decision now, but that they should proceed with a measure of the greatest interest and importance, which had occupied the attention of the House for some time. By the mode taken by the right hon. Gentleman the question was put before them, as to which of these two important Bills they would take that evening. The question was, which of these important measures—the Corn Importation Bill, or the Preservation of Life (Ireland) Bill—should have precedence. Under all the circumstances in which these Bills were before the House, he could not help expressing his decided opinion that the Bill for the importation of corn should have preference over the Irish Bill. He could assure the House he had no wish to offer any unfair impediment to the course which the Government proposed to adopt; but he would put it to them whether it was not for the convenience of the public business that the course which he recommended should be adopted. On the

Corn Importation Bill the debates were carried on far beyond the ordinary duration of debates, and it was argued at great length on both sides of the House. The Bill had arrived within a short period of the last stage, and he put it to the House whether they should not put an end to the anxiety of almost the whole community, including a great portion of the agricultural interest, that some final decision should be come to on this question. These proceedings had continued for several weeks ; and all who had any lengthened Parliamentary experience in debates in that House must be convinced, that, if the further progress of the Corn Importation Act was postponed until after Easter, they would have much longer and protracted debates in its future stages than if the Bill was pressed *de die in diem*. As he understood, the Government had intended that this Bill should have gone up to the House of Lords before Easter, when it would have been printed, and the second reading could have taken place at an early day after the holidays ; but, if it was put off until after Easter, he would defy any man to show any reasonable expectation of its getting to a second reading in the other House before June, July, or August. He regretted the course taken by the Government ; but they must look to a defence of it in the statement which the right hon. Baronet would make to the House in justification of this Bill for the protection of life in Ireland. If the Bill was of so pressing a nature, not a day should be allowed to elapse before passing it into a law; and there might be a case which might make it incumbent, for the suppression of crime, that they should press forward this Bill. The right hon. Gentleman, however, only proceeded to take the first reading of this Bill; he must then postpone the Corn Bill, and deal with this measure. Supposing that this Bill was proceeded with, they must postpone all the further stages of the Corn Bill ; and if the Corn Bill was postponed, they might depend upon it that this measure could not be proceeded with until a later period than otherwise would be the case. The right hon. Baronet said that it was essential to have the opinion of the House expressed on the principle of this measure. How long had he been of this opinion? The right hon. Baronet on a former occasion said that it was only respectful to the House of Lords that this Bill, sent down from it, should be read a first time, and he deprecated in that stage of it any expression of opinion on the part of the House. The right hon. Baronet had expressed an earnest hope to several of his (Sir G. Grey's) Irish Friends around him that they would allow the first reading of this Bill *sub silentio*. The right hon. Baronet recommended the postponement of the debate until the second reading, which he pledged himself should not take place until the Corn Importation Bill had passed through that House. Looking to the necessity of putting an end to the state of uncertainty which existed, and to the paralysed state of commerce which this delay had occasioned, he trusted that they would proceed with the Corn Bill, and postpone the Protection of Life in Ireland Bill. If he were compelled to say aye or no to this Motion, he should not hesitate to give his cordial support to the Motion of his hon. Friend the Member for Drogheda.

Mr. HENRY GRATTAN would support the Motion of his hon. Friend the Member for Drogheda, although he was determined to do all in his power to put down the spirit of outrage and insubordination which existed in Ireland. He did not merely say this as a Member of Parliament, but as a resident Irish gentleman, and as a protector of his own tenantry and of the Irish people. He did not think that any asperity which was manifested towards Her Majesty's Ministers, in consequence of the delay in this measure, was justifiable, as is was clear that they could not make up their minds on a Bill which, since 1746, had singularly failed when attempted to be put in force. This Bill should be delayed ; for there were now laws in existence, and officers to put them in force, which had not been resorted to. These, he was satisfied, were amply sufficient, without resorting to this infamous Bill. It was the duty of the sheriff, in case of disturbance, to call out the *posse comitatus;* and the gentry, instead of making speeches and dressing up addresses in grand-jury rooms, should place themselves at the head of their servants, and patrol the country day and night. The gentry, however, abandoned their duty, and made themselves unpopular with their tenantry. No man was more anxious than himself to put down this spirit of outrage ; but he never would consent to stigmatize a whole country, because five or six persons in a district were infected with a mania.

Mr. S. HERBERT said, it was impossible to deny that the Government was placed in a position of great difficulty in

respect of the question as to which subject should have the precedence on the present occasion. He regretted, however, to hear the noble Lord the Member for Lynn bring forward charges of so grave a nature against Her Majesty's Government—charges, he would add, which, unless they could be substantiated in every particular, no man in that House, or out of it, should bring against any man or body of men in power or out of power. The noble Lord said, that in consequence of the delay which had taken place, the Government were responsible for the loss of life which had occurred in Ireland; and he had also stated, that in consequence of the Government not appearing to be in earnest in respect to the measure, he, and those with whom he acted, could not feel themselves in the discharge of their duty in supporting the Government in carrying it into effect. A more unfair construction was never put upon the acts of any Government than that which had been put upon the acts of the Government to which he (Mr. Sidney Herbert) belonged, by the noble Lord on this occasion. If the House would only consider all the circumstances of the case—all the circumstances under which the measure was brought forward, unless the Government could make days of hours, and weeks of days—they would come to the conclusion, that no other course was open to them in the matter. Having to meet all the difficulties of the many measures which were before them since last October, it was not within the compass of possibility that they could be ready with them all by the opening of Parliament; and to introduce them in a crude, undigested state, would be unworthy of their position—they had no alternative open to them but the course which they had adopted. It was impossible, he freely admitted, to overrate the importance of the Corn Bill to the country, or to exaggerate the necessity of its speedy passage through that House. In this he agreed to the full with the right hon. Baronet who had spoke last. But it was impossible also, he maintained, if that which had been stated in respect to the state of society in Ireland was correct, not to admit that the subject was one which could not bear any longer delay; and if the House would only have the patience to hear what his right hon. Friend had to say in relation to it, and suffer the facts to be laid before them, he had no doubt they would come to the same conclusion. The noble Lord had made serious statements respecting the state of crime and outrage in Ireland; and those hon. Gentlemen who acted with the noble Lord appeared to coincide in them; but if these statements were credible, and if they were believed by the House, could there be any question that the whole case which his right hon. Friend was prepared to lay before them was not entitled to be fully discussed upon that occasion? This, however, he would say—looking at the debates which had taken place upon the subject elsewhere, looking at the accounts which were published in the newspapers, and looking at the private information which was received—anything so horrible as the state of demoralisation and crime in which many parts of Ireland were plunged—anything so perfect as the suspension of the law which existed in those parts of that country—anything, in short, so complete as the abrogation of liberty that obtained there, was, perhaps, never known; and he thought that no man and no Minister could, under these circumstances, decline to admit that even those most important measures then under the consideration of the House, ought to be postponed until a decision had been taken at least upon the principle of a measure which had for its object the suppression of those horrors, and which, by anticipation, might have the effect of stopping or suspending the frightful progress of crime in that country. In asking to read this Bill to-night, they only intended to postpone the Corn Bill for one night; and they would not even have asked for this postponement, but that it was of the most essential importance that the opinion of the House should be taken as to the principle of this measure. He hoped the House would not pledge itself to delay this measure by voting for the Amendment, as it would give rise to a feeling of expectation in Ireland that this Bill would ultimately be thrown out. But although other measures were necessary, he hoped that the House would not delay this one, notwithstanding they had been told that it would not have any effect for years. He hoped, therefore, that the House would not affirm the Motion of the hon. Member for Drogheda. It was not true that the Government wished to throw over the Standing Order for this discussion. The course that was proposed to be taken was the most obvious and best that could be avoided. His right hon. Friend did not propose to take the House by surprise, for he had given due notice of his intention of proceeding with

this Bill this evening. He did not propose to take it out of the regular order, but he moved that the Orders of the Day be read, for the purpose of their being postponed; and thus they were disposed of just as much as if they had been discussed. The course also which the hon. Member proposed to take was very unusual, as it was not customary in courtesy to postpone to a distant day the first reading of a Bill which had come down from the House of Lords. He entreated the House not to sanction this course, which, if adopted, might be fatal to the tranquillity as well as to the security of life and property in Ireland. He hoped that they would not think that he was undervaluing the importance of the measure for the admission of corn; but all that he asked was, that it might pass *pari passu* with the measure for the protection of life in Ireland, which the people in that country were justified in expecting from them.

Lord JOHN RUSSELL said, that with respect to the Motion of the right hon. Baronet as to the postponing of the Orders of the Day, so as to enable him to propose the first reading of the Protection of Life (Ireland) Bill, he was satisfied to rest on what had been said by his right hon. Friend the Member for Devonport; but one or two circumstances had taken place in the course of the debate, which he felt compelled to take notice of before going to a division. He would not interfere one way or the other in the charge of his noble Friend the Member for Lynn, or the defence of the right hon. Gentleman who had just sat down, as to the delay which was said to have occurred in bringing forward this measure, and to not having pressed it forward when introduced. He trusted that the noble Lord who disclaimed the name of leader of his party, but who still admitted that he spoke the sentiments of the majority of those with whom he acted, would not be so rash and hasty in bringing charges against any person or party on insufficient evidence, as he thought the noble Lord had been that evening. With regard to the question before the House, both the right hon. Secretary and the right hon. Gentleman placed it on entirely different grounds from those on which it was placed the other evening by the right hon. Baronet at the head of the Government, when they said that it was most desirable that the principle of the Bill should be sanctioned by reading it the first time, as the moral effect which such a proceeding would produce in Ireland would be great, while it would be considered that a vote carried in favour of the Motion of his hon. Friend the Member for Drogheda would be regarded as against the Bill. He could not so consider the question before the House. He considered, as had been justly stated by his right hon. Friend the Member for Devonport, whether this was the most convenient time to proceed with this measure. He was ready to avow that he thought that the more convenient course for the House to pursue, for the sake of the public, was to proceed with the Bill which had been so long before the House, and postpone to a future time the Bill which was not immediately before them. His right hon. Friend was justified in saying that the case would have been totally altered if the Government had said that they wished to pass immediately this Protection of Life Bill through all its stages; but on the contrary, they now said that they would resume the consideration of the Corn Importation Bill on Friday, and that the second reading of this Bill should not take place until the Corn Bill and the Poor Removal Bill should have passed. What would the moral effect be of taking the first reading of this Bill under such circumstances? He would ask whether they considered that those disposed to commit murder would be deterred from doing so, because they knew that this Bill had been read a first time? On the other hand, if they proceeded with it, they would have all the excitement arising from the discussion, without giving any power to the Executive Government by this course. They would throw, therefore, all kinds of exciting topics before the public, to be used with respect to this Bill, which would be termed an infringement of liberty, and would have a fearful effect on the public mind in Ireland. He thought that ample reasons had been given for postponing this Bill, and for proceeding with the Bill with regard to an importation of corn, the progress of which was regarded with so much interest by the public. In voting for the Motion of his hon. Friend the Member for Drogheda, it was not to be supposed that if the right hon. Baronet the Secretary for the Home Department made out a case that he should not support the Bill. It would be for the right hon. Baronet to show, that the state of outrages in Ireland, and of the crimes committed there, called for strong measures, and also that this Bill would have the tendency to prevent them for the fu-

ture. This would be the case for the right hon. Baronet to make out; and if he made out such a case, he should not object to the first reading. For the reasons, however, stated by his hon. Friend the Member for Drogheda, he felt convinced that more useful effects would be likely to follow from this measure if Her Majesty's Government had an opportunity of producing some remedial measures at the same time with it. He asked for no measures on any subjects, save those which the right hon. Baronet had already declared his intention of introducing to the Legislature. The right hon. Baronet had already declared his intention of introducing measures on the subject of the relation between landlord and tenant in Ireland—on the subject of the political franchise, or for giving persons the right to vote for Members of Parliament, and on the subject of the Municipal Corporations. He did not wish to be understood as desiring to limit the questions of Irish legislation to these few topics. They were far more expansive; he did not ask the Government at present to introduce any other matters before Parliament. But when they were dealing with those awful crimes, of which his noble Friend the Member for Lynn had given them an account, and which, though justified in some particular instances, his noble Friend seemed to regard as the general state of Ireland, he thought they were bound to consider also whether there were not measures that might be introduced that would lessen the causes of these crimes. And when his noble Friend entered into the statement with which he had instructed the House, he begged to say, in reference to the newspaper accounts to which his noble Friend had referred, that he had himself read a newspaper account the other day, in which it was stated, that a whole village, containing 270 persons, had been razed to the ground, and the entire of that large number of individuals sent adrift on the high road, to sleep under the hedges, without even being permitted the privilege of boiling their potatoes, or obtaining shelter among the walls of the houses from which they had been dispossessed. That statement appeared within the last few days in a Dublin newspaper, and was given by a gentleman, the reporter of that newspaper, who had written the account from the spot, and who stated that the circumstances were known generally in the neighbourhood. He thought it would be for the advantage of legislation to take up this subject altogether; and immediately after the question of the Corn Bill had been disposed of. When they took into consideration these crimes, he thought they should at the same time ask themselves whether the law of landlord and tenant in Ireland should not be improved; at the same time that the Executive Government was armed with powers which would check the hands of the midnight assassin. With these feelings, therefore, he thought there would be a very great advantage—a very great moral advantage—if that House were to declare that, while they were the enemies of outrage—while they were determined to see the law enforced against the murderer and the assassin, that they at the same time felt a determination to look after the causes of this dreadful state, and to consider whether by other measures accompanying the present measure those causes might be in some degree removed, and the foundation laid for future peace, and thus that these unconstitutional Bills—for unconstitutional and harsh they were—might hereafter be dispensed with.

Sir R. PEEL: Sir, the other hon. Gentlemen who have preceded me made a remark, with the justice of which I concur, and in the truth of which I entirely agree—namely, that in determining the course of this Bill, to which we attach the greatest importance, the Government are in a situation of peculiar difficulty, in consequence of their present position in the House of Commons. Sir, for whatever other expressions I may have been prepared in reference to this question, I confess I was not prepared to hear a doubt suggested with respect to our sincerity on the subject of the Corn Bill. Looking at all the circumstances which attended the introduction of that measure—looking at the facts connected with its being brought forward—looking at the loss of friends which it entailed upon me—the loss of the confidence of those by whom we were heretofore supported—I can fairly adduce these facts as an answer to the insinuation of want of sincerity on the part of the Government. There is an event in connection with that Bill which I, for one, am not prepared to give in evidence of my sincerity. But, Sir, I shall not condescend to answer such a charge—the facts answer for themselves. With respect, however, to the order of the proceedings in the present instance, what are the real facts of the case? I did certainly, in answer to the question of the noble Lord the other night,

lay down the course which I proposed to take in reference to these Bills. I stated upon that occasion, on the part of the Government, my anxiety to pass the Corn Bill through this House; and I feel all that anxiety now as much as I did then. I said that after the Corn Bill should have been read a second time—assuming that the discussion upon it would take place on Friday night—I proposed to take the first reading of the Irish Assassination Bill on Monday before any other business; and I added, that if the decision of the House should be favourable to its introduction, I would then resume the Corn Bill, and proceed with it as rapidly as the forms of the House allowed, permitting no Government business of any kind whatever to infere with its further progress. That was the declaration which I made publicly, in reply to the question of the noble Lord, and to that declaration I now adhere. For we feel it a duty we owe to the country to ask for a decision of this House, at this time, upon the Irish Protection of Life Bill. That Bill has been since the 16th instant waiting for admission. There is hardly a case upon record in which a Bill sent down from the House of Lords has not been read a first time at once. But we are charged with precipitancy in the matter. So far, however, as precipitancy in regard to this Bill is concerned — a Bill, I admit, of an extraordinary and unconstitutional character — I said, in this case, the precedent shall be departed from, and such a delay interposed as its nature renders necessary for the purpose of a due previous consideration. Was that an indication of a desire on our part to urge on the discussion of the measure? Was that precipitancy on the part of the Government? But, Sir, if we should now consent to take no further steps whatever in the matter for the present; if my right hon. Friend be not allowed to state, on the part of the Government, what are the causes which led us to propose this measure, and what are the precautions which we propose to take against outrage and assassination in Ireland, what will be the inference drawn from such delay by the evil-disposed in that country? What will be the consequences of that departure from the course which has been usually pursued, after the House of Lords has passed the Bill, which Her Majesty recommended to Parliament in Her Speech from the Throne at the opening of the Session—if we consent to postpone indefinitely a Bill which we have declared absolutely necessary, without making any statement respecting its necessity to the House, and in a total disregard of the common courtesy which has been always shown to a measure sent down from the House of Lords. Sir, it is true that the discussion on the first reading of this Bill may not, as it has been suggested, lead to any final results; but this it will, at all events, do—and under any circumstances—it will establish the important fact that the House of Commons is not indifferent to that result, or the causes which concurred to bring it about; and likewise show the country at large that Her Majesty's Government is awake to the necessity of applying a remedy to the evils which exist in Ireland. With respect to the observations of the noble Lord (Lord G. Bentinck) respecting the support his Friends may give us, I can only say that the noble Lord and his Friends are as free to act as they choose in the matter. They are under no obligation to give me any support in this beyond that which honourable men, acting under a conscientious sense of public duty, are always disposed to give a Government. Sir, I know that a Government situated as we are with respect to our usual supporters, are exposed to extraordinary statements and imputations upon our conduct and motives, and we have had our share of them. The noble Lord the Member for Lynn said, for instance, that we are answerable for every murder committed in Ireland; while on the other side of the House it has been stated that we are accountable for the life of every one who dies of starvation in that country. It is certainly most unfortunate that the present Bill interferes with the progress of the other measures before the House for securing the advantages of free trade to the country: but after giving all the consideration which we could to the subject; after taking into account the inferences deducible from the facts which I have stated, we came to the conclusion that we should best consult the interests of the country, and most effectually discharge our duty, by now reading this Bill the first time, and then proceeding, without any further delay, with the Corn Bill. Sir, we are told that we shall meet with every kind of obstruction in our progress with these measures, for the purpose of promoting delay. Without despising the observations of hon. Gentlemen opposed to me, I do consider that it is the duty of a

Government to disregard menaces of this kind. It is our duty to propose those measures which we deem most conducive to the good of the country; and having done that, to leave it to the deliberation of the House—to the Commons of England—to dispose of them as they consider the most advisable. I know the power of individual Members to cause delay if they choose. I know the power they possess to postpone a debate, or to defeat a question, by moving continuous adjournments of the House. I cannot help it. But this I know also, that it does not release Ministers from their responsibility, or relieve them from the necessity of taking that course which in their conscience they esteem the most advantageous for the public interest. The course of the Government is prescribed by an imperative sense of public duty; and it would be unwise and unworthy to waver in it for a single moment, or permit such threats or such proceedings to have the effect of influencing its proceedings. On this point, Her Majesty's Ministers, though deeply regretting the delay which must unavoidably occur with the Corn Bill, still feel it to be their duty to ask the House to assent to the introduction of the Irish Bill. But we are told, if we do this we shall be met with all that delay which the forms of the House will permit. I deeply regret such a determination; and permit me to say I think it is hardly a proper way of meeting the subject. Such a course is not the best way of upholding the authority or of maintaining the respect due to that branch of the Legislature which contains within itself most of the democratic or popular principle. I do hope that the inconvenient course I have adverted to, will not be persevered in. It is not becoming or fitting the importance of the subject to refuse to hear us. After you have heard us you can make what Motion you please; but surely we have a right to ask that the statement we have to make shall be first laid before the House. I do not say, by the course you say you will adopt, that you entirely debar us from the opportunity of making our statement; but I do say, by Motions of this kind—Motions of a technical or frivolous character—["No, no!"]—I withdraw the expression; nothing is further from my wish than to use a word that will call up angry feeling. I recall—I withdraw any expression that may tend to give offence; but when we are charged with trampling on the forms of the House, I am bound to say we cannot under present circumstances take the ordinary course—we must waive the less pressing business to have an opportunity of bringing this Bill before the House. This course has over and over again been practised; other Bills on other occasions have had precedence, and all we now ask the House is to postpone the other Orders of the Day. Believing that we are taking the fairest path for all parties, and that my hon. Friend has a right to make the statement he is prepared to make, I hope the hon. Member will allow us to proceed.

LORD G. BENTINCK said, as he felt that he had been misunderstood by the noble Lord the Member for London, the right hon. Gentleman the Secretary of War, and the right hon. Baronet (Sir R. Peel), he begged to be allowed to state distinctly what he did say to the House. It was, that Government would be responsible for every murder committed in Ireland if any unnecessary delay was practised on their part in passing a measure which Her Majesty's Ministers had introduced, as they said, for the better protection of life in Ireland.

SIR R. H. INGLIS considered that the last sentence of the noble Lord's (Lord J. Russell) speech furnished sufficient materials for the vote he was prepared to give. The noble Lord said, after the declarations which had been made with respect to the outrages on life and property in Ireland, he was willing to proceed to the consideration of remedial measures; but then the question arose did Her Majesty's Ministers' measure go too far, or was this measure brought in too soon? The noble Lord the Member for Lynn had said, not that the measure went too far, or that it was brought in with too much precipitation, but that Her Majesty's Ministers had neglected their duty in not bringing forward the measure months ago. He would ask, was the evil complained of of recent date? Had there not been found for some time past in the records of crime in Ireland sufficient grounds for the introduction of a measure even of a more stringent character than the Bill now proposed before the House? The object of beginning with this measure was in order to give moral support to the means for maintaining peace and order in Ireland; and possibly, if the other Orders of the Day, perhaps referring to matters of trifling importance, were to be taken before this measure, it might be misconstrued into an indifference towards the suppression of crime and the

protection of life and property in Ireland. He was greatly indebted to the noble Lord the Member for Lynn for the conclusive grounds he had urged for the adoption of the proposition of Her Majesty's Government. He believed—to use words which had been used in another place—that every day lost to a measure intended to produce greater security to life and property in Ireland, involved a responsibility to which he should be sorry to see his friends exposed. And when hon. Members on the other side declared they would not support Her Majesty's Ministers in a measure which they believed was hostile to the interests and alien to the feelings of the people of Ireland, he, for one, declared he was resolved to support no Government that would not take immediate and effectual measures to protect life and property in Ireland. His complaint against Her Majesty's Government was, that they had not acted with a due degree of energy in bringing forward some such measure before.

Lord WORSLEY begged, considering the position in which he was placed, to be allowed to explain the ground on which he proposed to give his vote, otherwise it might be construed into a factious vote against the Government, than which nothing could be farther from his views. He asked the House to recollect the condition in which the agriculturists had been placed since November. They had been in a state of great uncertainty. In November last the farmers expected the ports would be opened, and that a great alteration in the Corn trade would occur. Ever since that period there had been great dismay and uncertainty in the corn trade. The sales that took place were only what might be called to provide a supply from hand to mouth; and as this uncertainty unquestionably existed, he was only taking that course which, conversant as he was with the feelings of the farmers, and acting up to the feelings of his constituents, he was satisfied was the most expedient. He was desirous of putting an end to further delay on the Corn Bill. He might say he should now be glad if no further opposition took place to the Bill; for after the decided majorities on two occasions, he felt he should not be justified in resisting the third reading of the Bill. If another division took place, he should record his vote against the Bill, as he had already done; but on account of the strong feeling which he entertained of the impolicy of delay, as far as the interests of the agriculturists were concerned, he was desirous of seeing the question settled. It had been said if the House did not immediately pass the Irish Protection Bill, that it would show indifference to the continuance of crime; but if the first reading was taken as now desired, and nothing further done, would it not be construed into an indication that the question was looked on as a piece of etiquette, and that the Bill was not viewed with that importance it merited? On the present occasion he should vote differently from those with whom he had voted on the Corn Bill: he did so from a strong feeling that it was their duty towards the agriculturists, as it was also advantageous towards the trading interests of the country, that there should be no further delay in settling this much-agitated question.

Colonel RAWDON remarked, that in one portion of his address the noble Lord the Member for Lynn had somewhat departed from the modesty of his propositions, by making use of an expression which, in Parliamentary language, he would describe as an audacious one. He considered that all the Irish Members had a right to speak on this question; and he utterly disclaimed the imputation that they wished to speak for purposes of delay, or that they were not desirous of putting an end to those murders that occasionally took place in Ireland. The noble Lord was, however, a good tactician, for he had been enabled to make two speeches already on the question. He would not follow the same course, and he would advise those friends to Ireland who were anxious to speak not to expend their ammunition now, but to reserve it for the fitting time. All he wished now to state was, that he was there to give food to the Irish people, and not to inflict Coercion Bills on them. The Irish Members had been roused by a speech in the other House of Parliament. The other side had been out of order. The noble Lord the Member for Lynn had used the name of a Peer, and he was entitled to do the same. The Duke of Wellington had made a speech which he—[The Speaker called the hon. and gallant Member to order.] He had heard the noble Lord the Member for Lynn make use of the name of a noble Lord, and he conceived he should be in order if he also named a Peer. ["No!"] Why did those Members call "no," and omit to do the same when the noble Lord spoke? If it was allowed on

one side it ought to be allowed on the other. The Duke of Wellington made a speech in another House.

The SPEAKER: The hon. and gallant Member is out of order in alluding to any debate in the other House. The noble Lord did not allude to any debate that had occurred in another place.

Colonel RAWDON would not allude to any debate whatever. He would only say that the Duke of Wellington had referred to some of the Articles of the Union, and had placed an interpretation on them which no Irish Member on this side of the House could approve of. When a Bill like the present measure, which so trenched on the liberty of the subject as this did, came before the House, he felt it to be his duty to take all the steps the forms of the House permitted to oppose its progress.

Mr. J. O'CONNELL—[*who on rising was met by cries of* "Divide!"]—said, that it would be most conducive to the convenience of the House if they listened to what he had to say, for that interruptions such as he had met with on rising would afford a strong reason for moving successive adjournments. He confessed that he wished to hear from the Treasury bench some answer to the extraordinary representations made on that side of the House. He had seen Irish Member after Irish Member, having the esteem and affection of their countrymen, get up and make strong representations to the Government on the unfairness, on the unprecedented course, and even the insolence of bringing forward this measure to-night. No answer had been given to those statements. The hon. Gentlemen on the Treasury bench had sat still; for what reason he did not know; or rather he did. The people of Ireland knew, and had long known, with what feelings and sentiments their Irish Representatives were regarded by hon. Gentlemen opposite. The right hon. the Home Secretary had deprecated the opposition which the Irish Members were prepared to give this Bill, in all its stages, and by every means, and by the use of every form, until the House chose to trample on its own forms, as they would trample on the liberties of Ireland, if they passed this Bill; and the right hon. Secretary proceeded to speak of their opposition as the opposition of a small party. He trusted that the people of Ireland would hear of that expression. The Irish Members in that House were a small party, no doubt. The Irish people had long been complaining of that as one of their chief grievances, ever since the Union was carried against their wishes. In 1834, when the Irish Members, a small party then, came forward to state the opinions of the people of Ireland, and to represent that they wanted to have their own Parliament, the Commons of England met their arguments with derision, and their Motion with a negative; but the House of Commons added to that negative a solemn promise that, short of a Repeal of the Union, they would give the Irish people all constitutional rights. That promise was repeated by the House of Lords and by the Throne; but it had been foully broken. Had that promise been kept, the Repeal agitation (which had now risen to such a height, and which, by fair means and foul, they had tried to put down, but which would still effect its glorious object) would have been rendered comparatively weak, instead of being, as it now was, strong. Those who turned out of office men that endeavoured to be friends to Ireland, defeated or mutilated every beneficial measure promised by the three branches of the Legislature twelve years ago, and now came forward to taunt the Irish Members with being "a small party." They were a small party, but they had 8,000,000 of Irish hearts at their back. Let these not be despised. There had been no answer given from the Treasury bench to any Irish Member. The hon. Member below him (Sir W. Somerville) had been passed over; and the only answer drawn from the Government had been to an English Member (Lord G. Bentinck), who was, indeed, a leader of a "small party," who almost spoke as if he were Minister already, and misgoverning Ireland, but whose party must become still less, for it was a party that was opposing the first and commonest dictate of humanity—to give cheap bread to the poor man. The right hon. Baronet, indeed, told hon. Members not to allow their conduct to have the appearance of sanctioning crime; but with the same energy with which that imputation was put forth, did he throw it back on the party of the right hon. Baronet. That party was sanctioning crime; that party was guilty of crime. The right hon. Baronet (Sir R. Peel) had complained that two inconsistent charges were brought against him; but the charges were not inconsistent; he was guilty of both. As to that of starving the people, was he not giving proof of its truth in impeding the

Corn Bill by forcing on this discussion, so useless on his part, so unavoidable on that of the Irish Members? And was he not liable to the other charge? He had to accuse that right hon. Gentleman and his party of being accessary to the crimes of the peasantry of Ireland. Two years ago, when the right hon. Baronet issued the Devon Commission, some of the Irish Members came over and said, "For Heaven's sake, for humanity's sake, for Christianity's sake, take care what you are doing; you are raising the most extravagant hopes in a people driven almost to madness by long suffering and misery, such as no other people on the face of the globe would have borne without having recourse to insane and criminal, but perhaps successful, measures; do not issue the Commission unless you are prepared to act instantly upon its report, for you will disappoint in the breasts of desperate men the wild hopes which their wretchedness causes them to conceive." That Commission made representations that ought to have had their effect; but what had been done? Why, a Bill was produced last year which would have been ludicrous, if the subject were not too serious. If there was any intention to throw upon the Irish Members the imputation of giving the slightest encouragement to crime, he turned it upon the right hon. Baronet, and told him, that he and those who acted with him were deep dyed in guilt on that score—that they had had warning and neglected it, and they alone were to blame. The right hon. Baronet had used some strong expressions that night; as he had withdrawn them, his apology should be accepted; but it was to be hoped there would be no recurrence of such language. He, however, had an objection of his own to take to this Bill—there was injustice in its title. When he put a notice of Motion on paper, giving what he conceived to be its proper designation to a deputation of persons, he would not call them gentlemen, because he thought they were not deserving of the name of men, who prayed the Lord Lieutenant to oblige them by shedding the blood of a man (Bryan Seery) whom his countrymen believed to be innocent, he being then most kindly remonstrated with in a quarter where he had always received great courtesy, consented to the erasure of a phrase objected to as pledging the House to an expression of opinion on a subject not as yet discussed; but this Bill did that very thing by its false and calumnious title. It pretended to be a Bill "for the better protection of life and property in Ireland;" but it was an invasion of property, and it would increase crime. There was also a direct case in point in the instance of the hon. Member for Stroud (Mr. P. Scrope), to whose Motion for the better protection of life by giving outdoor relief, the right hon. the Home Secretary objected, that with such phraseology it ought not to be entertained. The Irish Members would offer to the present most inefficient Bill every opposition to the very last moment; if it were "factious" to defend a portion of the few remaining rights enjoyed by the people of Ireland, he (Mr. John O'Connell) should be proud to have the epithet applied to him, in resisting this most wanton, useless, and tyrannous oppression. They were not seeking to defeat the Corn Bill; they were as anxious as any hon. Gentlemen for the success of that Bill, though the charge had been trumped up against them in some protection quarters, that the Repealers considered the Corn Law an advantage given by the Union to Ireland. If it were, they would not support an advantage purchased at the price of the misery and privations of another people; but there was no advantage in what was strangely called the Irish monopoly of the English market. One reason why he wished for the repeal of the Corn Law was, that it would remove the difficulty of commercial arrangement between the two countries when the Union came to be repealed. [*A laugh.*] The noble Lord (Lord G. Bentinck) laughed; he would have laughed as much three years ago at the prophecy of what was happening now. A few words to that future Minister. He had spoken of a murder of which the Irish Members had not heard before; and the right hon. the Home Secretary had not produced the returns ordered, though he promised them before this Bill was moved; and there would be so much the less means of answering the made up and garbled statement from the officials in Ireland, which would presently be made by the Government. But did that noble Lord say a word about a Coercion Bill for South Wales, when an unfortunate woman was murdered in the Rebecca riots, and the country was in the possession of a lawless and violent mob? Why did he seek to inflame the minds of hon. Members by bringing forward this isolated case, when there were no means of meeting it on the instant? Were the

noble Lord and his fellows to talk of high honour and chivalry, while they were keeping up an odious tax on the poor man's bread, enabling the landed aristocracy to remain the grudging shopkeepers of corn; and while they stood forward ready to pledge themselves, without even hearing the case, to cleave down the last remaining portion of a people's liberties? The chivalry that would take two such opposite lines of conduct, was not a chivalry that would reflect honour on any country. The proposed measure was insulting to Ireland, and as unconstitutional as it was unnecessarily exasperating in its character. The right hon. Baronet opposite ought to take the good advice which had been given him, and avail himself of the present opportunity of bringing in his remedial measures, to show that he was in earnest in his desire to benefit Ireland. But if the right hon. Baronet would not do that—if he would have coercion—if he would proceed against the wishes and remonstrances of the Irish people, then let the consequences be as they might, and must be, upon him and him alone, not only as regarded his Corn Bill, but as to the connexion between the two countries.

MR. COBDEN had not exactly understood a remark which had fallen from the right hon. Baronet at an early part of the evening, as to the course which was to be pursued with regard to the Irish Bill. Did the right hon. Baronet mean that the statement, and only the statement, was to be made that evening by the right hon. Baronet the Secretary for the Home Department; or did he intend to state that it was his intention to press for a division upon the Motion?

SIR R. PEEL said, that in the remark which he had made, he had by no means intended to imply that he wished only that his right hon. Friend should make the statement; but having done that, it was for the House to determine in what manner to deal with the Bill.

MR. COBDEN said, he could not help then expressing his sincere regret at the course which Her Majesty's Ministers had taken, for he regarded it as likely to inflict a great calamity both on England and Ireland. Though that coercion measure was introduced as one which would be likely to contribute to the peace of Ireland, they must recollect that those who represented the feelings of the people of Ireland in that House, and who led public opinion in that country, were decidedly opposed to it. But whilst that was the case with regard to that Bill, on the subject of corn, which was to give food to the people, there was no difference of opinion; for his hon. and learned Friend, who might be said to represent Ireland, had come over to London on purpose, if he (Mr. Cobden) had understood him rightly, to aid Ministers in carrying a measure which was to give food to the people. The Corn Bill, therefore, should take precedence of the Coercion Bill, inasmuch as it would tend to pacify the people of Ireland, by supplying them with food. What, however, would be the delay to the Corn Bill which would be incurred by proceeding with the Coercion Bill? They would go into that discussion that night. The hon. Member for Limerick had told them that the Irish Members were prepared to oppose it for three nights. That was a Government night, Friday would be another Government night, and Monday another. Those three nights would be absorbed in discussing that measure, and they could not depend on private Members withdrawing their Motions on private nights to make way for the Coercion Bill. They might have to-morrow and the following Tuesday and Thursday, if they liked, upon the Corn Bill, because private Members would give up their private Notices to accommodate the Government on a subject on which they were so generally agreed. But by proceeding with the Coercion Bill at that time, they prevented the possibility of taking another step in the Corn Bill before Easter; and the consequence would be, as had already been observed, that those hon. Gentlemen on the protectionist benches would return to that House, trusting that hon. Members had forgotten all their bad arguments, and would repeat the same things over again. In all human probability, then, the Corn Bill would not enter the House of Lords before the beginning or middle of May; and when it would come out again, Heaven only knew! He certainly regarded it as a great calamity. He was not going to impute motives to the Government; but something had actuated them which he could not understand. There were reasons, he was sure, which they had not had explained in that House, because in his opinion no sufficient reasons had been stated in that House to warrant the Government in the course which they had pursued. At the same time he altogether repudiated the idea that there had been a base compact between the Government and the hon.

Gentlemen opposite. The conversation which had been retailed and published in that day's paper, ought not to have been published, had it even occurred; but he did not believe that any such compact as was referred to had been entered into. The right hon. Baronet, however, had been actuated by decisions which took place in the Cabinet four or five days ago, before he knew what course the Irish Members proposed to take; but even if the right hon. Baronet persisted in pressing the Coercion Bill, when he knew the course which the Irish Members intended to adopt, he (Mr. Cobden) should certainly blame him for the consequences. But when he said that, he would repeat his belief in the right hon. Baronet's sincere desire to pass the Corn Bill; and he rejoiced, and the country would rejoice, that the right hon. Baronet had declared that nothing should prevent him proving his sincerity of resisting any curtailment or mutilation of that measure. He had a perfect belief in the sincerity of the right hon. Baronet; but he regretted the course which he had determined to pursue. There were petitions from the manufacturing districts every day praying that there might be no further delay in passing the Corn Bill. The agricultural classes were almost equally anxious for a settlement: though they might not wish it exactly in his way, yet all concurred in deprecating uncertainty and delay; and under those circumstances he should regret having to vote against the Government upon the Motion before the House.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes, 147; Noes, 108: Majority, 39.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Arbuthnott, hon. H.
Baillie, Col.
Baillie, W.
Baird, W.
Baldwin, B.
Bankes, G.
Barkly, H.
Baring, rt. hn. W. B.
Baskerville, T. B. M.
Beckett, W.
Benbow, J.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, Maj.
Blackburne, J. I.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Cardwell, E.
Carew, W. H. P.
Carnegie, hon. Capt.
Chelsea, Visct.
Chute, W. L. W.
Clerk, rt. hon. Sir G.
Clive, Visct.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Colquhoun, J. C.
Coote, Sir C. H.
Copeland, Ald.
Corry, rt. hon. H.
Cripps, W.
Davies, D. A. S.
Deedes, W.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douro, Marquess of
Drummond, H. H.
Duncannon, Visct.
Egerton, W. T.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Floyer, J.
Fox, S. L.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grogan, E.
Hamilton, W. J.
Harcourt, G. G.
Hayes, Sir E.
Heathcote, Sir W.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Hope, A.
Hope, G. W.
Hudson, G.
Ingestre, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Kemble, H.
Kirk, P.
Lascelles, hon. W. S.
Legh, G. C.
Lygon, hon. Gen.
Mackenzie, T.
Maclean, D.
McGeachy, F. A.
M'Neill, D.
Mahon, Visct.
Maxwell, hon. J. P.
Meynell, Capt.
Milnes, R. M.
Morgan, O.
Mundy, E. M.
Neville, R.
Newdegate, C. N.
Owen, Sir J.
Packe, C. W.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Rashleigh, W.
Reid, Col.
Repton, G. W. J.
Round, C. G.
Round, J.
Russell, J. D. W.
Seymer, H. K.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Spooner, R.
Stanton, W. H.
Stuart, J.
Taylor, E.
Thesiger, Sir F.
Thompson, Ald.
Tomline, G.
Trelawny, J. S.
Trench, Sir F. W.
Trotter, J.
Vyse, R. H. R. H.
Wall, C. B.
Walpole, S. H.
Walsh, Sir J. B.
Wood, Col. T.
Worcester, Marquess of
Wortley, hon. J. S.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Acheson, Visct.
Aldam, W.
Archbold, R.
Baine, W.
Bannerman, A.
Barclay, D.
Barnard, E. G.
Bernal, R.
Blewitt, R. J.
Bowring, Dr.
Bridgeman, H.
Bright, J.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Buller, C.
Busfeild, W.
Butler, P. S.
Carew, hon. R. S.
Chapman, B.
Christie, W. D.
Cobden, R.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Craig, W. G.
Curteis, H. B.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Elphinstone H.

Escott, B.	O'Connell, J.
Esmonde, Sir T.	O'Conor Don
Etwall, R.	Osborne, R.
Ferguson, Col.	Paget, Col.
Fitzgerald, R. A.	Philips, G. R.
Forster, M.	Plumridge, Capt.
Gibson, T. M.	Powell, C.
Gore, hon. R.	Power, J.
Grattan, H.	Protheroe, E.
Grey, rt. hon. Sir G.	Rawdon, Col.
Hall, Sir B.	Ross, D. R.
Hatton, Capt. V.	Russell, Lord J.
Hawes, B.	Rutherfurd, A.
Hill, Lord M.	Scrope, G. P.
Hobhouse, rt. hon. Sir J.	Smith, rt. hon. R. V.
Horsman, E.	Somers, J. P.
Howard, hon. C. W. G.	Stanton, Sir G. T.
Humphery, Ald.	Stewart, P. M.
Hutt, W.	Strickland, Sir G.
Kelly, J.	Strutt, E.
Labouchere, rt. hon. H.	Tancred, H. W.
Langston, J. H.	Thornely, T.
Layard, Capt.	Troubridge, Sir E. T.
Macaulay, rt. hon. T. B.	Tufnell, K.
Macnamara, Maj.	Vane, Lord H.
M'Carthy, A.	Wakley, T.
M'Donnell, J. M.	Warburton, H.
Marsland, H.	Ward, H. G.
Mitcalfe, H.	Wawn, J. T.
Mitchell, T. A.	Wilde, Sir T.
Morpeth, Visct.	Williams, W.
Morris, D.	Winnington, Sir T. E.
Mostyn, hon. E. M. L.	Wood, C.
Muntz, G. F.	Worsley, Lord
Napier, Sir C.	Wyse, T.
Norreys, Sir D. J.	
O'Brien, J.	TELLERS.
O'Brien, T.	O'Brien, W. S.
O'Connell, D.	Somerville, Sir W.

PROTECTION OF LIFE (IRELAND) BILL.

SIR J. GRAHAM: Sir, in the absence of any Member of the Government more immediately connected with Ireland, it is my duty to propose to the House the first reading of a Bill which has come down from the other House of Parliament. The hon. Member for Stockport, just before the division, stated that some mysterious motive had swayed the conduct of Government in pressing this Motion upon the House. Now, Sir, I hope the House will indulge me with a patient hearing on the present occasion, while I endeavour to state the urgent reasons which in my judgment operate conclusively in demonstrating that no time ought to be lost in the unhappy condition of affairs which it will be my duty to lay before the House. The task is a painful one; but at the same time there are some consolatory reflections connected with it. I do not present myself on the present occasion to bring any sweeping or general accusation against the Irish people. The case which I am about to bring before the House is not one which affects Ireland collectively; it is a case of a local and topical nature, but affecting particular localities to an alarming extent. Sir, there are other reflections connected with this matter which are equally consolatory. An accusation has come from one quarter of the House to-night, that we have delayed this measure too long. I confess it is more gratifying to my feelings that the accusation should be, that we postponed it too long, than that we brought it forward abruptly, prematurely, or unnecessarily. I also must be permitted to state in justice to the Government that we have now for nearly five years conducted the affairs of this country in very difficult times, and under adverse circumstances; that during that time we have been charged with the responsibility of governing Ireland, and preserving peace, law, and order; and that, up to the present moment, we have discharged that arduous duty, relying on the existing law, and without applying to Parliament for any extraordinary or unconstitutional powers. Nay, Sir—although I do not dwell with unnecessary stress on the fact—there has been more than one instance in which we have relaxed existing laws, in which we have not deemed it our duty to apply to Parliament for the renewal of Acts of a coercive character for Ireland. When we have called for re-enactment, we have, in more than one instance, remitted the more obnoxious portions of the law. I will refer, as an illustration, to the renewal of the Unlawful Oaths Act. That was an Act containing, as it appeared to us, provisions of an objectionable character. Under the original Bill the onus lay on the innocent person to prove his innocence; we threw the onus on the accuser, thus relieving the accused of the difficult task of proving a negative. Then in the Arms Act, although in some points we increased its stringency, yet there were many obnoxious penalties which we removed, for instance the prohibition against a man carrying on the trade of a blacksmith without a license. In this and similar cases we repealed the enactments and remitted the penalty. I must also be perduced to remind the House that the various measures brought forward by Government in the course of the last two years have been conceived in a spirit not unfriendly to the feelings, more especially the religious feelings, of the Irish people. Our measures have not been conceived in a sectarian spirit, though there may be difference of opinion as to their practical effect. Those measures were intended as peace-offerings, if they

have not been universally so received. I would more particularly refer to the Charitable Bequests' Act, by which great facilities were afforded for the endowment of the Roman Catholic clergy, and for providing glebe houses and chapels for the ministers of that persuasion. I would also refer to the Bill, which I myself had the honour or proposing, with reference to the education of the Roman Catholic priesthood at Maynooth—a measure which, I am sorry to say, gave great offence to many of those of my hon. Friends on this side, who were generally the supporters of the Government, but which, nevertheless, we felt it our duty to the Irish people earnestly to press. Then, with regard to the question of education generally (and I only glance at the matter as affording another conclusive proof that, in our legislation for Ireland we are actuated by no hostile spirit or feeling against the people of that country), the Irish Colleges' Bill, which it will be remembered I brought under the special notice of Parliament, in the course of the last Session, is, I think, a measure which, if carried into execution in the manner I anticipated, will diffuse amongst the middle classes of Ireland all the benefits of an improved, an extensive, and a liberal system of education. So also with respect to the National Board — we have adopted measures for giving increased facilities for extending the benefits of that institution, large as those benefits are already—inasmuch as between 400,000 and 500,000 children are educated in Ireland at this time under the national system, and that too in a manner which would do credit to any part of the United Kingdom — we have also taken measures for providing district schools in various localities in Ireland for carrying out the system still further, and affording its benefit to the children of a somewhat higher class. I must also refer to another matter which is, in my opinion, one of primary importance. It will be remembered that Her Majesty's Government, acting on the advice of the Landlord and Tenants' Commission, brought forward in the other House a Bill for the improvement of the law and the better regulation of the relations of landlord and tenant in Ireland. The subject being one of great difficulty, the Bill was not considered by the other House as then proposed, sufficiently matured to receive their sanction. During the recess, we have given the subject increased attention, and in concert and co-operation with the Commission over which the Earl of Devon presided, and of which four Members of the House formed a constituent part, in concert and co-operation with those hon. Gentlemen and the other Members of that Commission, we have endeavoured to improve and mature that measure. It is at this moment in an advanced stage of preparation; and sanctioned, I believe unanimously, by that Commission, it is now receiving the final consideration of the Government, and I trust shortly to be able to present it to the House. Then, Sir, I must observe with reference to this measure, painful as it is to me to propose it, unconstitutional as I admit it to be, I, for one, was convinced of the necessity of some such law in the early part of the Session; but though I foresaw the necessity, I could not reconcile it either to my judgment or to my conscience to be a party to its introduction while I saw the extreme physical want and distress of the Irish people, arising from the failure of the staple article of their food, the accounts of which have been in various ways brought before this House. I say though I saw that necessity, I felt that it was a matter of primary importance that provision should first be made, by an effort of the Government to relieve those physical wants, so far as legislation could effect that object; and I, for one, could not consent to be a party to the introduction of such a measure as the present, unless I had previously obtained the sanction of the House of Commons to the introduction of the measure which has been brought under your notice, and the principle of which has been affirmed by the House—the Bill to open the Corn Trade, and to place articles which are of the first necessity, as forming the food of the people, on the cheapest possible footing. I must be allowed to remark, that the good effect of what has been done in this direction is already perceptible. The admission of maize free of duty is already operating most beneficially in Ireland. The demand for that article, I am informed, has already become great. It is found to be much cheaper than oats, and is superseding the demand for that description of grain in Waterford and the other ports in which it has been admitted. And I have reason to believe that the consequence of introducing maize into Ireland will be, in some degree, to supersede the use of potatoes among the people of that country as the chief article of food, and gradually, as I hope, to elevate the scale of their living.

The prejudice against maize, as an article of food, is gradually subsiding in Ireland; and I am confident that the measures I have referred to, together with the advances and loans of public money, for the promotion of public works in Ireland, which Parliament has authorized to be made, will have a most beneficial effect on the physical, as well as upon the moral and social, condition of the Irish. I believe that, by a judicious expenditure of those funds, the productive powers of the country will be increased; the physical energies of the people will be brought into action; their moral qualities and social habits will be improved; and when they find themselves employed, as they will be, for wages, and supporting themselves and their families by their industry, they will be enabled to subsist without being, as they are now, entirely dependent on the produce of their holdings; and the tendency will be to raise the scale of their living, to increase their physical comforts, and improve their habits of life. And by these means, with the extension of the blessings of education amongst the great body of the people, we expect that the social and moral condition of the people will gradually improve, and the effect will be most satisfactory; and not only will these measures, I trust be satisfactory, in regard to the increased benefits they will confer upon, and the improvement they will gradually effect in the condition of, the Irish people, but also the effect of this improvement will be reflected in our legislation: because the Legislature will naturally have greater confidence and trust in a people so elevated and so improved, than in a people debased by crime; and thus our legislation, in regard to Ireland, will be guided by a more confiding and a more conciliatory spirit. But, Sir, time is required to accomplish these great and necessarily progressive improvements; and in the meanwhile we have to deal with a case of urgent and pressing importance, in regard to which no time can, in my opinion, safely be lost; but we must apply such a remedy as is within the immediate power of the Legislature. I do not stand here to prefer an indictment against the people of Ireland: quite the contrary; for I have the pleasure of stating to the House, that of the thirty-two counties of which Ireland is composed, in the majority of them it will be found, by a reference to the statistical returns, that life and property are as secure as in most, if not in every county in England. I repeat, that this is not a case affecting the whole thirty-two counties of Ireland; so far from it, I am in a condition to show, that in eighteen of them crime, far from increasing, has actually diminished within the last year. It is unnecessary for me to detain the House by specifying the counties in which this diminution of crime has taken place. Suffice it to say, that there are eighteen counties in Ireland out of the thirty-two in which there has been no increase; and that there are many in which the returns show that in the year 1845 crime has actually decreased. [Mr. O'CONNELL: Tyrone!] Yes, in Tyrone there has been a large decrease. I find by the Constabulary Returns for the county of Tyrone, that the number of crimes in 1845 was 180, as against 220 in the preceding year, showing a decrease of forty in the course of one year. But I will go further, and state, that I do not think this Bill could be maintained by a reference to more than ten out of the whole thirty-two counties; and still further I will say, that if it were not for the condition of five of those counties, I, as a Member of Her Majesty's Government, could not conscientiously propose, and Parliament would not be justified in passing, such a measure. I will state which those five counties are. I am sorry that I shall have occasion to trespass upon the attention of the House at some length; but in proposing a measure like the present—a measure which I am bound to admit is of an unconstitutional character, and which extraordinary circumstances alone can justify—I feel it incumbent upon me to explain to the House what those circumstances are, and lay before them the grounds upon which it has been brought forward. Those five counties to which I have referred, the present condition of which not only justifies, but calls for this measure, are Tipperary, Clare, Roscommon, Limerick, and Leitrim. I have said there are five other counties in which crime has also increased, but not to so great an extent as in these. Those counties are Cavan, Fermanagh, King's County, Longford, and Westmeath. Then, in the ten counties in Ireland in which crime has increased, and crime of that peculiar character which I am disposed to term insurrectionary, I will state the extent of that increase by a reference to the returns of the actual number of crimes committed in each of those counties, in the two years 1844 and 1845:—

	In 1844.	In 1845.
Cavan	109	257
Fermanagh	80	166
King's County	226	301
Longford	205	372

In Westmeath there has been an increase of 120. In the other counties the Returns show:—

	In 1844.	In 1845.	Increase.
Leitrim	228	922	694
Roscommon	264	716	452
Limerick	321	460	139
Tipperary	908	992	84

Now, Sir, I think I can present this matter to the House in a light, which, while it appears to me to be most conclusive, is at the same time most alarming. By the last returns, I find that the whole population of Ireland is 8,175,000. The population of the five counties to which I have alluded, and I would fix the attention of the House on this, the whole population of these five counties of Tipperary, Clare, Roscommon, Limerick, and Leitrim, is 1,412,000, or little more than one-sixth of the whole population of Ireland. Now, the crimes to which I more particularly refer are of an insurrectionary character, affecting and endangering life, and attacking and destroying property. The offenders are generally actuated by motives of revenge, arising from individual wrong; and, considering themselves injured, instead of resorting to the law for redress, they seek to obtain it by their own hands. The crimes thus committed are homicides, firing at the person, aggravated assaults, assaults endangering life, incendiarism, killing or maiming cattle, demanding and robbery of arms, bearing or appearing in arms, administering unlawful oaths, threatening notices, levelling or destroying fences, malicious injury to property, firing at dwelling-houses. Now I will compare the number of these several crimes, committed in these five counties, with the number committed in all the other counties of Ireland; and I have to state that the homicides, in 1845, in the five counties, were 47; while, in the whole of the rest of Ireland, the number returned was only 92. Therefore, in five counties, with a population of only one-sixth of the whole population of Ireland, the number of homicides committed in the year amounts to one-third of the whole number committed in the whole of Ireland. In those five counties, in 1845, there were 85 offences of firing at the person. There were only 53 such offences in the rest of Ireland. Therefore there were two-thirds of the whole number committed in those counties. Of aggravated assaults in those counties in 1845, there were 190, and 350 in the whole of the rest of Ireland; that is, there were two-fifths of the whole number in the five counties. There were in those counties 110 assaults endangering life; 127 in the rest of Ireland, or one-half of the whole arose in those five counties. There were 139 offences of incendiarism in the five counties, 339 in the rest of Ireland, giving two-sevenths of the whole for the five counties. Killing or maiming cattle, 108 in the five counties, 164 in the rest of Ireland, or two-fifths of the whole arose in the five counties. Demanding and robbery of arms—a crime of the most suspicious and fearful character—in 1845, in the five counties, there were 420 offences; in the rest of Ireland 131, or four-fifths of the whole arose in the five counties. Appearing armed; of these offences 64 were produced in the five counties in 1845; in the rest of Ireland only 25 or two-thirds of the whole arose in the five counties. There were 190 offences of administering unlawful oaths; there were only, of offences of a similar description, in the rest of Ireland, 33, or six-sevenths of the whole amount arose in the five counties. In the year 1845 there were reported 1,043 offences of sending threatening notices, in the five counties; only 901 such offences in the rest of Ireland, that is to say, eleven-twentieths, or more than one-half of the whole, were committed in these five counties. Attacking houses, 309 in the five counties, 174 in the rest of Ireland, or three-fifths of the whole amount arose in the five counties. Of the offence of levelling and destroying fences, there were 22 instances; in the rest of Ireland, 34, or three-eighths of the whole have been committed in the five counties. Of malicious injuries to property, 104 in the five counties, 306 in the rest of Ireland; being one-fourth of the whole in the counties. Now, Sir, I would beg to observe, that the last crime is the most important and most deserving of the careful attention of the House; for the worst symptom, I do not fear to say, of the last few months, has been the increase of the crime of firing into dwelling-houses after dark, with the malicious purpose of wounding promiscuously the inmates, whoever they may be. Now, the number of these offences of firing into dwelling-houses was, in 1845, 93 in the five counties; 41 in the rest of Ireland, being seven-tenths of the whole in the five

counties. Then, Sir, let us ask what, up to the last moment is the condition of those five counties? I have here a return made up to the end of February, respecting four out of the five counties, in the two months of the present year, January and February; and in those months there were in Tipperary, 8 homicides; 6 offences of firing at the person; 13 robberies of arms; 18 firings into houses; 69 offences of sending threatening notices; 14 attacks on houses. In Limerick (exclusive of the city of Limerick), there were, within two months, 3 murders; 5 firings at the person; 12 firings into houses; 26 robberies of arms; 50 threatening notices sent; 18 attacks on houses. In Clare there were in those two months, 1 murder, 1 firing at the person, 7 firings into houses, 20 robberies of arms, 17 threatening notices sent. In Roscommon there were 1 murder, 5 firings at the person, 3 firings into houses, 31 robberies of arms, 61 threatening notices sent, 42 offences of administering unlawful oaths. Now I must be permitted to say, that if in the discharge of my painful duty it were necessary to bring under the immediate notice of the House the details of the crimes to which these returns refer, it would revolt the feeling of the House, and moreover it would be impossible to go through the detail satisfactorily. I shall not therefore make a particular statement of these crimes; but it will be my duty to classify them, in order to endeavour to put the House in possession of the general character of them. Observe, I shall confine myself (except in those cases in which I shall explain that I am deviating from this rule), to the five counties I have named; and allow me also to say, that I shall read to you nothing which has not been laid before the Government by responsible officers—either by resident stipendiary magistrates, or officers connected with and acting under the constabulary force—their reports being forwarded to me from the Government in Ireland; and let me further observe, that the crimes I am about to detail to the House are neither of a sectarian nor political character. This is a remarkable feature in the case. Protestants and Roman Catholics—Orangemen and Repealers, all are equally the victims of these crimes. There is nothing exclusive in their character; and they appear to find their victims in each sect almost in proportion to their respective numbers. Again, this state of crime is by no means new in these particular districts: unhappily the evil appears to be rooted. The efforts of former Governments as well as our own have been put forth for the purpose of eradicating this species of crime; but all have signally failed. Since my attention has been directed to this subject, I have found, too, that this description of crime, if allowed to continue unchecked, has a tendency to spread; and other counties in the immediate neighbourhood become infected. This is shown by what I stated at the commencement, that in some other counties within the last 18 months, crime has increased, and requires the strong hand of the law to check it. Before, however, I specify the particulars of many of these crimes, I will ask you to consider for a moment what a serious disgrace their existence is to the age, to the Government, and to the country in which we live. They are in fact a blot on Christianity, a disgrace to our civil policy: they appear to me to be inconsistent with the boasted liberty of this country—with the freedom of our institutions—the beneficence of our laws—the refinement of our manners—the wisdom of our age—and the purity of our religion, the precepts of which are common to us all; which we believe to be derived from Divine origin; which we inculcate as the doctrines of truth; but which are so violated by these crimes that we are disgraced and lowered to the level of a savage or a heathen country. I am unwilling to detain the House longer than is absolutely necessary; but on a subject of this importance I consider it my duty to illustrate what I have stated by specimens of the crimes. They are only examples of those crimes, the general numerical result of which in these five counties I have already stated to the House. The first class of crimes to which I will call your attention is that of "persons murdered or injured in consequence of their relations having taken or refusing to give up land;" or murders in connexion with the occupation of, or ejectment from land. The first case which I speak of occurred in Tipperary in May, 1845. A certain man had received a portion of land with his wife as her fortune, on condition of his paying a specified sum of money to her relatives. The wife died; the man married again; the friends of the deceased wife wanted to recover possession of the land, which was refused; the man was several times assaulted, and was ultimately compelled—the Report states—

"—to quit the land and the neighbourhood. A

feud was thus created between the friends of the first and second wives. As a party of the former were returning from the market of Roscrea to Moneygall, they were waylaid and assaulted with stones by some of the latter, and several serious injuries were inflicted. John Kennelly (belonging to neither party), who happened also to be returning from the market, endeavoured to interpose as a peacemaker, when he was knocked down, and the back of his skull fractured by a blow of a stone. While down he received a second blow of a stone on the side of the head. Kennelly died in about a week."

There was another case in Tipperary:—

"The brother of the deceased had taken a few acres of land some few years ago, from which the former tenant had been ejected. He had been (previously to this murder) served with a threatening notice to quit. As deceased sat with his brother in the evening, four men entered the house, two of them presenting a pistol at each of the brothers, and demanded why they did not obey the notice. One of them struck the deceased on the head, breaking his skull, which he did not long survive."

I should now wish to produce some proofs of the interference with the relation of landlord and tenant, and the murderous consequences of such interference One instance occurred in the case of a Mr. Samuel Smith, on the 18th of January, 1845, in Tipperary:—

"The attention of a resident of Borrisofarney having been attracted by a horse passing his door without a rider, he discovered, at about eighty yards distanee on the road, the body of Mr. Smith; the skull broken in two places, and the brain protruding. At the inquest held the medical examiners were of opinion that the injuries could not have been received by falling from the horse, nor did the dress of the deceased exhibit any appearance of his having been dragged along the road. The deceased, who was a resident of Dublin, had been visiting some of his tenants, and was returning to Busherstown, whence he had come that morning. It is understood that he was about dispossessing two persons of a farm, which was to be given to another."

There was another case of the same nature in the county of Clare:—

"The deceased man's father had taken land at Dogneire, from which James Sexton had been previously ejected. Deceased was returning home from that place, when he was shot in the face from behind a hedge, his assailant following up the attack by inflicting severe wounds on the back of the head with some sharp instrument."

Then there is a most frightful case of a gentleman, Mr. Patrick Clarke, being shot on his own premises, at noonday, on the 31st of October last:—

"This gentleman was shot dead by two men while riding round his own demesne, superintending his workmen. It appears that Mr. Clarke, several years ago, had purchased the estate in question, but had never, until recently, resided there. Having been induced to visit the place, and to prolong his stay, he had discovered that, in his absence, he had been subject to a system of fraud on the part of his tenantry, which he had determined to check and put down. No sooner was this intention discovered, than attempts were made, by threatening letters (the receipt of which he kept a profound secret), to get him to remove from the place, to which intimidation he did not not yield, persevering in his system of enforcing the payment of old arrears by his tenantry. In connexion with the cause of the murder, endeavours are made, in some quarters, to represent the deceased as a rigorous landlord, of hasty and tyrannical disposition; but these statements are not borne out."

This brings me to make some remarks upon absenteeism. I agree with those who hold that absenteeism is a great evil; but to discourage absenteeism we must render the counties of which I have spoken habitable. Are they habitable under circumstances such as these I describe? Here is a gentleman who had not been resident since the purchase of his estate several years ago; he comes down to settle upon it; he commences improving his estate; he expends money, and calls forth labour; he rides out from his house to superintend his men; and, as has been seen, is shot at in noon-day and killed. It appeared that he had been subjected to some fraud on the part of his tenants; he was determined to punish it; his intention was no sooner known, than attempts were made by means of threatening letters, the receipt of which he kept a profound secret, to induce him to leave the place; he resisted, and it is therefore shown that the system of enforcing the payment of arrears from tenants is met with the crime of murder. Another case was that in the county of Limerick, in January, 1846, of James Lynch:—

"He had served ejectments on a number of small tenants on his farm. He was fired at, at about noon, within fifty yards of his residence, had survived the shot but a few minutes. It appears that no person can be found who witnessed the attack; but there is circumstantial evidence against a man named Coshean, who has absconded. Lynch was a middleman, and his own was the life in the lease under which he held."

Then there is this case:—

"I have to report that on last night, the 6th instant, about the hour of half-past seven o'clock, a party of seven men, disguised, with their faces blackened, and handkerchiefs tied round them, and three of them armed with guns, and others with bludgeons, entered the houses of Owen Meany, Bridget Meany, and James Molowny, of Cragboy, in the district of Tulla, and beat the following persons very severely:—Owen Meany, James Molowny, Michael Meany, and Thomas Meany; the latter had his skull fractured, and died in two or three hours afterwards; the others received cuts and bruises on their heads

and bodies; two female inmates of the houses were also struck, but not seriously hurt. On going away they fired two shots, and then proceeded to the house of Michael Hogan, of Shanakill, in this district, and beat him and his two sons, but not seriously. The deceased is son of Bridget Meany, and bore an excellent character. An inquest was this day held, at which I attended with Captain Leyne, and it has been adjourned to Monday next, the 9th instant. The reason assigned for these outrages is, that in the year 1843 the lands of Cragboy and Shanakill were divided by the agent under the Court of Chancery, on which occasion there were three under-tenants on the division which fell to the lot of Bridget Meany (mother of the deceased), James Molowny, and Michael Hogan; one of these under-tenants was deprived of the land he then held, and the other two, it is alleged, are now about to be dispossessed; there is no doubt, therefore, but that they caused the outrages to be committed."

This is another case:—

"I have to report that, on the night of the 20th instant, about half-past 6 P.M., at Cally, in the parish of Killmarathy, as Mr. Alfred Waller was returning to his residence, and alone, he was waylaid in a field by four men, who severely assaulted him on the head and arms with bludgeons and stones, inflicting two severe cuts on his head, and dreadful contusions on the left arm, which fractured one of the bones below the elbow. A few ($3\frac{1}{2}$) acres of land Mr. Waller had at his disposal were the cause, inasmuch as his assailants, while beating him, desired him to 'give up Coona, give up Coona' (the name of the little townland which persons of the name of Keeffe pretended to have a claim to). Mr. Waller's life is not considered in any imminent danger."

From this it is seen that neither religion nor relationship none of the ordinary feelings of social life, appear to have had the slightest effect in these cases; it is seen that these crimes are committed promiscuously, both by day and by night. I have gone through this class of cases, illustrative of the interference between landlord and tenant with respect to the occupation of land. A notice of ejectment is followed by the summary infliction of death; the execution of a decree of the Court of Chancery in reference to a similar Act has the same consequence. I must now call attention to another class of cases, those of magistrates when executing their magisterial duty. I will first direct notice to the case of Mr. M'Leod, a magistrate in the county of Leitrim, in November, 1844:—

"Towards the close of November, 1844, the peace of the northern part of the county of Cavan, and the adjoining parts of Leitrim, had become very seriously disturbed by numerous armed and organized bodies of Whiteboys. To meet these circumstances, the magistracy applied for an increased police force, and an additional stipendiary magistrate. The required police were immediately supplied; and Mr. M'Leod, the resident magistrate stationed at Enniskillen, was selected by the Government, and temporarily placed at Ballinamore, in aid of the local authorities in the suppression of the illegal organization referred to. On the day above stated, Mr. M'Leod had been dining with Mr. W. Percy, justice of the peace, of Garadice, and had set out in the evening on his return to his own quarters. Finding Mr. Percy's lodge gate shut (contrary to practice when company is entertained), Mr. M'Leod was in the act of desiring the driver of his car to get it opened, when he was fired at from behind an opening in the evergreen at the lodge gate, where the assassin, aided by the light of a candle left (as if designedly) in the lodge, is believed to have deliberately taken his aim. The gunshot penetrated the heart and lungs, and caused instantaneous death. There is no doubt that a conspiracy had been formed; and it is an ascertained fact that a notice of the murder was posted at Enniskillen two days before its perpetration. That this outrage is referable to feelings of revenge prompted by Mr. M'Leod's discharge of his magisterial duty, but one opinion has been expressed; two circumstances, have, however, been mentioned as its immediate exciting cause; by some it is attributed to his having refused to bail certain individuals in custody on serious offences; by others, to a decision made by Mr. M'Leod some days previously at Bawnboy Petty Sessions."

Another part of this case presents a circumstance most remarkable, and of fearful import. There is no doubt that a conspiracy had been formed, and it was ascertained that notice of the intended murder had been posted up in the town of Enniskillen. The preparations were as notorious in the neighbourhood as they were a secret to the victim; and there is no doubt that the whole neighbourhood were participators in this crime. In the case of Mr. Bell Booth, justice of the peace, I am bound to say, that it did not occur in one of the five counties to which I have referred; it was in the county of Cavan, though on the borders of Leitrim. Here is the report:—

"As George Bell Booth, Esq., justice of the peace, was returning from divine service in his gig, with two of his children, some person unknown shot him dead. Although the above awful circumstance took place within 200 yards of the village of Crossdoney, and many persons were passing along the road from their respective places of worship, yet there was no immediate attempt made on their part to secure the assassin, who effected his escape. The police from the surrounding stations made every exertion to discover the perpetrator, but without success. Mr. Booth was an efficient and most useful magistrate, and always ready to afford assistance when necessary. From that hour to this the assassin has escaped punishment."

No more erroneous impression could be formed, than to conclude that these crimes arose from any one particular cause, either political or religious. Those who commit

such offences, interfere in every way with the letting of land, with the ordinary circumstances of domestic life, between master and tenant; constantly threatening notices are sent by the peasantry to particular individuals that they must increase the dowry of a daughter, that they must sanction or must not sanction the marriage of a son; and unless such notices are immediately obeyed, summary vengeance is executed. Here is a case of interference between master and tenant:—

"Waters, John (county of Tipperary), had been in the employment of Henry Goring, Esq., of Riverlawn, and was a stranger at the place. As he was returning to his master's residence, with a man named Corrigan (whose services as ploughman were likely to be superseded by those of Waters), several men, armed with bludgeons, according to the statement of Corrigan, leaped off the road into the grove. Corrigan says he ran away, and looking back saw the party strike Waters to the ground, and that on returning shortly after, he found Waters speechless."

So that the crime of this man was the endeavour to replace a servant. Then there is the case of Thomas Linney, East Galway, who was shot through the lungs. He had recently been engaged as a steward by the Rev. Mr. Butson, of Clonfert, who had discharged his former steward (named Coates), retaining, however, in his service two of Coates's brothers, a coachman, and stable-keeper. To these and to their father, old Coates, who lived in the neighbourhood, and to another stableboy suspicion attached, and they were apprehended. Several threatening letters had been previously sent to Mr. Butson, desiring him to discharge Linney. I should not refer to a case which the noble Lord the Member for King's Lynn has brought under the notice of the House, except that unhappily it was accompanied by very gross circumstances. In that case, a married woman, pregnant, who was on the road, was shot at in the open day. A child she had with her at her breast was killed, and the mother was also killed. I will mention the circumstances of the outrage, and the cause to the House.

"Mrs. Fanny M'Elhill, of Tyrone, was the wife of a wood-ranger, who had made himself obnoxious by prosecuting trespassers. She had proceeded from her dwelling, with her little daughter, when she was fired at from a wood by the roadside. Some of the charge entered the child's head, and it is feared her brain is injured. The mother was wounded in different parts of the body, and died in a day or two after, having previously given birth to a still-born child."

I should not have mentioned this case unless it had been mentioned by the noble Lord, as it was not in one of the five counties, but that of Tyrone. [Colonel Rawdon: Was the crime committed in the day time?] Yes, in the day time. In South Tipperary, on the 17th of January, 1846, Patrick Murphy was fired at as he entered his own dwelling one of three men. He had been employed as keeper on property seized for rent. Again, the noble Lord the Member for Lynn has referred to another case, which is in the county of Tipperary, and it is remarkable, as it shows that these acts of violence are connected with gross interference with domestic arrangements, such as the keeping of servants. In that case, at the dwelling of an old lady, eighty years of age, arms were taken away; she was beaten, and a pistol twice snapped in her face in the road. The case occurred in December, 1845. Now, I beg the House to consider the state of society in Ireland consequent upon these outrages. I will read a notice issued by a mining company from Dublin, dated November 26, 1845, relative to the state of things at Earls-hill colliery, barony of Slievardagh, in Tipperary; it is signed by Mr. R. Purday, the secretary, and it shows the social effects of these proceedings. The notice is to this effect:—

"Earls-hill Colliery, Barony of Slievardagh, County of Tipperary.

"The board of directors of the Mining Company of Ireland hereby gives notice to all whom it may concern, that the company's works, at Earls-hill Colliery, will be suspended on Saturday, the 20th of December next, or the earliest day admissible under existing contracts. The board has been reluctantly impelled to adopt this course by the outrages and threats to which the company's stewards Martin Morris and others, have been subjected with impunity, notwithstanding large rewards offered for information which might lead to the punishment of the offenders, and by the threatening notices subsequently served on those well-disposed workmen who are desirous to work under the company and earn support for themselves and families, but whose lives are too highly valued by the board to be risked by the continuance of the works until sufficient protection can be afforded to them. "Richard Purdy, Secretary.

"Dublin, Nov. 26, 1845."

Now this case shows not only the impossibility of providing an effectual remedy for the social evils of Ireland by the influx of capital—for the best remedy for the poverty of Ireland is the introduction of capital—but it proves that unless you put down this state of things, not only will there be no influx of capital into the country, but the social evils of Ireland will be aggravated by the spread of murder and rapine. I do

not apologize to the House for detaining it by the cases I have brought forward, because I do think the circumstances are so grave as to justify me in bringing before the House fully, and without reserve, the state of crime now prevailing in these parts of Ireland, showing that legislative interterference is indispensable if human life is to be regarded as of any value. Here is a case of murder, expressly for preventing the voluntary resignation of land. It is in the county of Tipperary, 27th January, 1845:—

"John Ryan (county of Tipperary), a farmer, was about to propose for land, the property of Mr. Philips, of Mount Rivers. There had, in this case, been no compulsory ejectment, or rigorous exaction of rights. The occupier, it is said, voluntarily resigned one-half of the farm, alleging his inability to hold the entire, and continued to retain the other half. The deceased, represented to be of respectable character, of some substance, and a native of the place, made no secret of his intention to propose for the unoccupied land, and had no apprehension of consequences. On his way, however, to the proprietor, he was assailed by two men, strangers to himself, one of whom pulled him from his horse and fractured his head with a stone. He survived only a few days. Two persons were taken into custody on strong suspicion; but the injured man, evidently fearing the consequences to his family, would make no disclosures tending to their identification."

So that, at the last extremity of death, such is the effect of the reign of terror, the dying man, out of regard for the safety of his relatives and friends, aware that his end was close at hand, dared not make disclosures tending to identify the parties, lest he should compromise the safety of his relatives in this region, when savage vengeance is triumphant. The two men, who had been taken into custody on suspicion, were discharged for want of evidence, the dying man refusing to give any explanation. Now, it is clear how little human life is valued in some particular parts of Ireland. I have heard it said, that, in the five counties, the great body of the people are tainted—I do not believe it: the bands are small, though perfectly organized; but the number of persons comprising these lawless bands is insignificant compared with the great body of the people. But, still, evidence cannot be obtained, and the law is, by reason of this, inoperative; and if these small bands prevent the due exercise of the law, these outrages remaining unchecked, the bulk of the population will yield to terror, and become unwilling accessories to crime. Here is a case in Galway, not one of the five counties:—

"Patrick Swift was found dead in the river of the town of Galway; there were several marks of violence about his body and head. He had come to the town to give evidence in a civil bill case, which was dismissed in his (Swift's) absence. Some threatening expressions were used towards him by some of the relatives of the defendant who were chiefly interested in the case."

No doubt that man was murdered to prevent his evidence being taken, and the cause was lost. Observe: no debt for more than 20*l.* can be recovered by civil bill process: so to secure success in an action for debt of less than 20*l.*, an innocent witness is deliberately murdered. Now, here is another case in Tipperary, 26th June:—

"John Lundrigan.—Twelve months ago a man was murdered on the mountains off Ninemile House, near Carrick-on-Suir, and the friends of the murdered man prosecuted. A woman related to the prosecutors was married to a publican named Egan, who owned a tent erected on the racecourse of Ballina. On the evening of the 26th of June, a party of twelve or fifteen men entered the tent and grievously assaulted Egan and his servant Lundrigan with stones. On the following day the matter came to the knowledge of the police, who proceeded to the tent, and found Egan pursuing his usual avocations, complaining, but little of his injuries, unwilling to afford any information upon the subject, and totally denying any knowledge of the assailants. At that time, and for a day or two after, Egan suppressed all reference to the case of Lundrigan; and it was not until the latter was speechless, and past recovery, that Egan apprised the police of his condition. Lundrigan died that day, and Egan became so ill that his recovery for a while was doubtful. Although several persons confidently believed to have been concerned in this outrage were arrested, the witnesses at the inquest were evidently determined on screening the perpetrators, and the prisoners were necessarily discharged for want of evidence."

I will take another case in Tipperary (a remarkable case), showing the striking manner in which every member of a family was attacked, and their unwillingness to give evidence to convict:—

"Nenagh, Feb. 9, 1846.

"Between seven and eight o'clock on yesterday morning, a party of twelve men, all armed with guns, made a simultaneous rush into the dwelling of Michael Gleeson, who was in bed, as was all his family, with the exception of his daughter Judy, who had opened the door; the armed men dragged Gleeson out of bed, and beat him about the body and head with the butt end of their guns, inflicting two wounds (seemingly dangerous) on his head. Gleeson's son, who slept in an opposite room, hearing the uproar, got out of bed, and was immediately attacked in his attempt to oppose his assailants' ingress to his apartment; one of the villains fired a shot at him which missed him, the two balls striking the wall in his rear. After a struggle they forced into his room, and treated him in a similar way to that of his father, inflicting three severe cuts on his head. After breaking twelve panes of glass and all the delph in the

house, and ordering Gleeson to give up the land (9½ acres) to Seymour, or they would pay him another and a more serious visit, they went away. Gleeson came into possession of his land twenty years ago, and out of which Seymour was dispossessed for non-payment of rent. Though there were five of Gleeson's sons in the house, not one of them informed the police of this occurrence. Had they done so, there is little doubt but that the Corbally party would have succeeded in tracing the offenders, as they were seen to pass up the mountains within less than a mile of that barrack (Corbally). Nor would they even describe to me any of this gang, although Gleeson's daughter and one of his sons, from the opportunities they had, could, I am convinced, do so; however, such is the system of terror prevalent in this district, my belief is, that had this gang murdered old Gleeson, not one of his family would come forward to vindicate the law, unless forced to do so. I directed the constable at Corbally to bring into Nenagh on to-morrow the son and daughter of Gleeson, and should their evidence be of any importance I will report accordingly. The resident magistrate approves of the suggested reward (50*l.*)

"CHARLES G. O'DELL, Chief Constable."

Now, observe this; though there were five sons in the house, not one of them informed the police of the occurrence. Had they done so, there is little doubt that the Corbally party would have succeeded in tracing the offenders, as they were seen to pass up the mountains within less than a mile of that barrack; nor would they even describe any of the gang. I will not trespass on the time of the house by detailing many more particular cases; still there are two or three which give so faithful an impression of the condition of more than one of these five counties, that I must be permitted to read these few extracts to the House. Here is another case from Tipperary:—

"I have to report that constable Patrick O'Hara, and sub-constables John Franklin, James Burke, John Young, John Mulrooney, and Anthony Cullen, of the Clonlough station, were on patrol in the neighbourhood of Ballinahinch, about 7 P.M. last night, when they were fired on by a party of Rockites, about eight in number, who no doubt lay in wait for them; the police (four of whom had loaded arms) returned the fire, but cannot say with what degree of effect. The Rockites' fire, I am sorry to say, told on sub-constable Cullen; he is severely wounded in both arms; the ball, which passed through the left and lodged in the right arm near the elbow (but not in the joint), has been extracted by Dr. Carey, of this town, who was immediately in attendance. The police took but one prisoner, and one stand of arms (a pistol). The prisoner is a young man, about eighteen years old, a servant boy of a farmer. The police detected him giving the signal to the Rockites to rush from their hiding place, near a house where the constable O'Hara states he called to receive some information about unregistered arms, and a party whom they met on patrol the Friday before, and whom they suspected to have been firing shots and disturbing that neighbourhood, but found no arms with them. One fellow on this occasion, on being searched by the police, attempted to wrest the carbine from sub-constable Young, and him they have summoned for obstructing them in the discharge of their duty, by order of the magistrates."

In this case it is shown that a party of armed men were lying in wait for the police at 7 o'clock in the evening, and actually commenced the assault by firing a volley upon them. Here is another case, reported by Mr. Graves, a stipendiary magistrate:—

"Dances are held constantly in the several townlands. This is done solely to give a tangible excuse for the gathering together of a number of persons. I have had those dance houses most carefully watched by the police, and I find there is no drunkenness, no rioting; everything is conducted peaceably, but during the time dancing is going on inside the houses numbers of men are congregated outside; I am quite sure with no good intent."

This report shows that even the most innocent amusements may be perverted in the disturbed districts into opportunities of planning the perpetration of crimes. I have another report, received only the day before yesterday, from the county of Clare; it is dated March 24, and contains a notice of a description corroborating what I have already stated in reference to these crimes; a gentleman named Floyd was suspected of having given information that led to the apprehension of four men, who at the last Clare assizes were convicted and sentenced to transportation; he was not a witness in the case; he was only suspected of having given the information that led to the apprehension of the men; and the report contains a notice in which he is threatened with death unless before a certain day he obtained a pardon for the convicts. I have but one more case I wish to bring under the notice of the House; but it shows such an amount of interference with mere matters of domestic arrangement, that I wish to draw the attention of the House to it; it shows the spread of tyranny and open violence, and a breaking down of all the rules of social intercourse, that is more alarming than anything I have read. It is a case tried at the last Clare assizes:—

"At the last assizes for the county of Clare three persons were tried for a murderous assault on a person named Helin. The circumstances of the case were these. Helin was steward of the steam packet carrying passengers on the Upper Shannon. He was in the habit of purchasing milk from a woman for the use of the passengers in the steamer. He complained to her that the milk was not good, and that he wished for better milk for the use of the gentlemen going to the last fair at Ballinasloe, who were to breakfast on

board the steamer. She promised to give better milk, but did not do so, and Hehin ceased to deal with her; and she said he should be sorry for it. Accordingly in a few days after, on the arrival of the steamer at Killaloe, Hehin was watched, and when the passengers had left the steamer, and Hehin landed alone on the quay, he was stopped by three persons, who ordered him to kneel down, asked him about the milk, immediately attacked him, fractured his skull in several parts, and left him for dead."

In this case the parties were convicted. I have adduced this case to show the small value put upon human life, and the summary vengeance that is taken for the most ordinary actions, and on the slightest provocation. I have already in the course of the evening presented to the House a petition, signed by the high sheriff and the majority of the grand jury of Leitrim, praying the House to pass into a law the Bill introduced for the suppression of crimes of this kind. I now wish very shortly to refer the House to memorials presented to the Lord Lieutenant from the whole of these five counties, praying for the enactment of some summary process of punishment for this class of crimes. The address from Tipperary, presented by the Earl of Donoughmore on the 25th of March says:—

"We feel convinced that all sources of information are dried up through the sympathy of the ill-affected, and the intimidation exercised towards the well-disposed. We do not dwell on the numerical amount of crimes committed, because it is to their character that we wish to point attention; ejectment from land is no longer the sole origin of these sad occurrenees. The slightest cause is now sufficient to endanger life, and no one can tell when that may arise. We do not urge the insecurity of landlords' rights; we do not complain of want of support being afforded to ourselves by your Excellency's Government; but we point attention to the insecurity of the peasant's hut, to the scenes of desolation there constantly occuring, to the prevalence of that species of crime which saps the root of every virtue, and is rapidly eradicating all trace of the original character of the Irish peasant."

I have also the address presented by the grand jury of Roscommon, signed by one of the Members for that county, the O'Conor Don, setting forth the disturbed state of the county, and praying the Legislature to provide means of protection. I will not weary the House with these addresses; there is also one from the county of Leitrim; but two or three of the resolutions adopted by the magistrates and gentry of the county of Limerick I will read: they state—

"That murder, breaking open houses for arms, threatening notices, and intimidation, are of daily and nightly occurrence, attacking all classes who do not join or submit to laws made at nightly meetings of large bands of armed peasantry; that the laws at present in force are not sufficient, in the disorganized state of this county, to repress the outrages that are taking place."

There is also one from the county of Clare, presented by Sir Lucius O'Brien on the 1st of March, 1846, praying for an increase in the constabulary force, on account of the dangerous state of that county. Now, having shown, perhaps at too much length, the unhappy condition of these five counties, with reference to crime, I will briefly state the heads of the Bill sent down from the other House of Parliament, for the purpose of aiding the Government in the repression of these fearful outrages. I shall not conceive it to be my duty in the present discussion to enter upon the general policy of the measure; but when that policy shall come to be reviewed, I shall be prepared at length to defend the various provisions of the Bill. I shall at present merely state what those provisions are. In cases in which the prevalence of murder and crimes against the person shall appear to render it necessary, power is given to the Lord Lieutenant in Council to proclaim the district where such crimes shall have been committed, and then may appoint resident magistrates and additional constables for such proclaimed districts. The Lord Lieutenant in Council is also empowered to levy the charge for the salaries of such magistrates, and the expense of such additional constabulary, upon the occupiers of the district proclaimed. This part of the measure must be taken in conjunction with the announcement made by my right hon. Friend at the head of the Government, that it is intended to propose, under ordinary circumstances, to charge the whole expense of the constabulary upon the public fund. The effect, therefore, of the present Bill will be, to make the payment of this force in the proclaimed districts a penal payment by the tenantry. This principle is not new to the law either of England or of Ireland. Full power is given to the Lord Lieutenant not only to charge the expense of the additional constabulary upon the district, but also to levy a compensation to individuals sustaining injuries of a permanent character, and in cases of loss of life compensation to the surviving relatives. But neither in England nor Ireland is this principle of compensation for personal injuries, new. In cases of riot, and fire-raising, counties are liable for the damage. By the 6th and 7th William IV., power is now

given to grand juries in Ireland to levy any sum they may think fit for compensation for injury done to property, whether moveable or fixed, animate or inanimate; and the power is given to levy this charge not only on the whole county, but, in exact analogy to the principles of the present Bill, on any portion of that county they may think fit. By the 106th section of the same Act, chap. 116, grand juries have the power of presenting any sum they may think proper as compensation to the personal representatives of those who, having to give evidence against offenders, may be murdered previous to the trial, the amount to be levied on the barony where the murder takes place. The principle of the measure is then, in this respect, not new to the law of this Realm. It has been said, that this Bill gives to the Lord Lieutenant the same powers which he enjoyed under the General Constabulary Act. It certainly does give the Lord Lieutenant power to increase the salaries of persons employed in the preservation of the peace; and it also gives the Lord Lieutenant unlimited power to appoint stipendiary magistrates, with such salaries as to him may seem fitting and expedient. Now, I propose by this Bill that the Treasury shall pay those salaries in the first instance, and that the counties shall refund. The Lord Lieutenant shall have power to fix the salaries; his certificate shall be binding upon the grand juries, and they shall be bound to levy sufficient for the payment of those salaries. This, I need scarcely observe to the House, is a principle fully recognized by the existing law. Further, there is by this Bill power given to the Lord Lieutenant to cause the apprehension of persons found out of their dwellings between sunset and sunrise; but they shall be tried by a jury and before a Judge of assize. After apprehension and before trial, the Lord Lieutenant shall possess the power of liberating persons so accused, and he shall also possess the same power of liberation after they have been found guilty. I may here state, that I do not rest these provisions upon former precedents alone; and yet what occurred in other cases is not wholly unworthy of your attention. Nothing would be easier than to show that several of the former Bills introduced with this object, really did bring about the effects expected from them without its ever becoming necessary to carry out into full operation all the provisions of those Bills. In 1834 there was a Coercion Bill, but no court-martial ever sat under the provisions of that measure; for the mere fact that such provisions had received the sanction of Parliament, sufficed to render the application of them wholly unnecessary. Now, this is a matter to which I wish particularly to call the attention of the hon. and learned Member for Cork. He cannot, of course, have forgotten that, in the year 1835, he took part in the discussions on the Coercion Bill of that period; and I should desire to quote his exact words. They were spoken on the 31st of July, 1835, and are as follows:—

"In the present Bill, if I rightly understand it, much of the mischievous tendency of the Coercion Bill is avoided. It directs the magistrates at sessions to deal with actual offences against the laws as they find them, and it also authorizes them to give to a man an opportunity of explaining why he is found abroad at night, and unless he can give a satisfactory explanation, he is subjected to the penalty of a misdemeanor. This is a great improvement upon the former measure; and I am glad to find that the Government is content with it. It gives protection where it is wanted, but at the same time takes from no man the right of being tried by a jury. Its only infringement upon the liberty of the subject is in the power given, as I have already observed, to deal with persons who are found out of their houses by night, and who can give no satisfactory explanation of their being from home. If the Bill shall have the effect of suppressing the baneful practice of nightly outrages, it will be most salutary for Ireland, and one of the greatest benefits that can be conferred upon her in her present state. My only wish with respect to it is, that it had gone a little further, and had endeavoured to put down those affiliated societies which flourish in Ireland in spite of the law, but which, I contend, it is the duty of the Government to suppress."

The onus of proof, the hon. and learned Gentleman justly observed, rested upon the party accused; and I am now glad to be able to call the attention of the House to this, that we have the sanction of his legal authority, supported by the intimate knowledge which the hon. and learned Member for Cork possesses of his countrymen, to show that, with reference to proclaimed districts, this measure is the best that under such circumstances can be adopted. The House will see from the extracts which I have read, that the hon. and learned Gentleman did approve of prohibiting the population of disturbed districts going at large between sunset and sunrise, without being able to account for their doing so. I am very unwilling to trespass at greater length upon the indulgence of the House; but I cannot help adverting to some other of the various circumstances which have the effect of driving landlords away from

Ireland; of compelling them to reside elsewhere; and of causing them to cease employing those labourers to whom, under a different state of things, they would have given full employment. I shall at present mention but one case, which is contained in the evidence published in the second volume of Lord Devon's Report, page 751. It is the case of a Mr. Wilson, a Roman Catholic gentleman residing in the county of Clare. He then resided upon his own property; he constantly resided on it, performing all the duties which as a landlord he was bound to perform. In the course of the last autumn and winter he received three distinct threatening notices. It appears that he had recently let a quantity of land amounting to 140 acres which had fallen out of lease. He divided this land amongst different tenants; but he took the liberty of reserving four acres for the use of an old servant of his, whom he wished to reside upon the land. In the course of the last six months he received, as I have said, three threatening notices; and he was, therefore, compelled to quit the neighbourhood. When he was present at divine worship, for the last time, in the chapel which he usually attended, he, with the permission of the parish priest, ascended the steps of the altar, and, addressing the congregation, said that there were then present the men who sat in judgment upon him, and who passed sentence of death upon him. He repeated that he knew them as well as the time and place at which they decided the question of life and death as affecting him, and pronounced such a sentence as compelled him to quit the country and change his residence. But he declared, that if they would form a committee among themselves, he would submit the matter to such committee, and abide by their decision. There was no concealment in this case; Mr. Wilson openly avowed that it was in consequence of the threatening letters he had received he was compelled, with his wife and family, to relinquish his home. Mr. Carrick, as a friend of the hon. and learned Member, took part in a transaction which I am sure the hon. and learned Member will not forget. I allude to the Clare election, a memorable epoch in the life of the hon. Member. [Mr. O'CONNELL: He voted for me.] He voted for the hon. and learned Member. That gentleman was barbarously murdered. Since Mr. Wilson left the county Mr. Carrick has been shot. I am just about to read a letter from a gentleman who, if I am not misinformed, is connected with the hon. and learned Member for Cork; Mr. Laing is a nephew of the hon. and learned Gentleman, a Roman Catholic, and a most respectable gentleman. He says—

"In reference to my report of the 18th instant, I have now, with much regret, to state that Mr. Carrick died of his wounds this morning. The awful death of this unfortunate gentleman has spread the utmost alarm and consternation among the respectable classes throughout this county, who are looking forward with deep anxiety to the passing of the Coercion Bill, in the hope that it may be the means of putting a stop to that dreadful and appalling system of assassination so perseveringly carried into effect. No man's life is safe; and unless the most stringent and comprehensive laws are immediately enacted for the protection of life and property, the possession neither of the one nor of the other can be considered secure."

There is one other document, which it is my duty to lay before the House. It contains an appeal made to the hon. and learned Member for Cork himself, by Mr. Ryan, a Roman Catholic, and a gentleman who is on such a footing with the hon. and learned Gentleman, that his letter begins "Dear Sir," and ends, "Your ever faithful friend." [Mr. O'CONNELL: He is unknown.] His letter is quite worthy of being read:—

"As you value the peace of Ireland, I most earnestly entreat of you to give up your opposition to the principle of the Bill about to be introduced into the House of Commons for the protection of life. It may have some trivial defects, most of which have been modified in the House of Lords; but the well-thinking portion of society of all parties agree that something must be done to suppress crime in this country. It is melancholy to behold whole Sessions of Parliament wasted away in idle debate on measures which turn out to be of no importance, or no benefit to the people."

My noble Friend the Member for Lynn must understand that this applies to the last Session of Parliament.

"The Landlord and Tenant Bill, which has been loudly called for by nine-tenths of the people of Ireland, has been overlooked or forgotten, and seven months of a Sesssion of Parliament spent in opposition to an Arms Bill, which proved to be the very reverse of what was anticipated. The Liberal party in the House argued, that it would destroy the constitutional liberty of the subject; that, if passed into a law, the police would search for arms at all hours; that the privacy of families would be invaded; and that even at night we should be subject to the insults of this ruthless body. Well, the Arms Act has now been some time in force, and there is not one instance to be found where the police abused the power with which they were invested. The police are an efficient, well-regulated force, under excellent control; and you may rest satisfied that if they and the higher portion of the Executive had no more honourable motive to guide them in the discharge of their duty than your own influence and that of the press, it would be quite

sufficient to insure a fair administration of the 'Coercion Act,' as you call it. This one fact does away with one of the principal arguments against this Bill. When we see a Government doing all in its power to alleviate the distress of the people; when we see them scorning the ties of friendship and of party to establish a law that will afford the most extensive benefits, by giving cheap food and cheap clothing to the millions; when we see them promising an extended Franchise Bill, a Corporation Bill, and, the most important of all, 'a Landlord and Tenant Bill,' let us not, in the name of common sense, delay, or perhaps altogether postpone, those good measures by a protracted opposition to a stringent Bill, which the state of society absolutely requires. Had the Arms Bill been less opposed and more stringent, the necessity for the Coercion Bill would now be less urgent. Instead of arms being taken from those who were entitled to them, they were indiscriminately put into the hands of evil-minded persons. Thus a facility was given to the disaffected to commit crimes, while the power of detecting or suppressing them was diminished. Armed persons may now go about night and day, and unless the police catch them in the actual fact of committing outrage, no notice can be taken of them. Under the Protection Bill there might be some hope of punishing those lawless villains, who, in reality, abridge the liberty of the subject, by forcing the peaceable and well-conducted members of society to remain in their houses from sunset to sunrise, ay, and sometimes during broad daylight, lest they might be assassinated by these demons."

I have pointed out to the House that the state of society in these five counties, is such that it is not safe to go abroad either by night or by day. The hon. Member for Limerick (Mr. Smith O'Brien) doubts that statement. But look at Sir Francis Hopkins, attacked when on his return from dining with a neighbour. Look at Mr. Booth Bell, shot when returning from church. The state of society is unquestionably such, that the ordinary liberty of private life is not enjoyed. Mr. Ryan proceeds:—

"Thank God, the number of delinquents are few. Some dozens of the entire population may be brought to justice under this Act, while eight millions will be benefited by it. The expense will be a mere trifle; we now pay 4*s.* per acre taxes, a sixth of which only goes to public works, while five-sixths of it are expended in supporting gaols and suppressing crime. The greater part of this burden is to be removed, and a sum of 3*d.* or 4*d.* per acre may be called for, but this only in disturbed districts. The only objection to this tax is, that the landlord is not made to pay his share according to his proportion of poor-rates. This, most assuredly should be the case; and I am sure you will insist on his paying a fair portion of it. This point conceded to it, I beg of you to facilitate the passing of this Act. I am not a tyrant landlord who asks you to do so. I am a friend to popular rights, and so far back as 1828, when you called me to the chair of the Catholic Association, to the present time, I have been one of your humble but strenuous supporters."

I thought the hon. and learned Member for Cork said this Gentleman was unknown; he described himself as a friend of popular rights, and as having been a supporter of the hon. and learned Gentleman.

"I have given more employment than any man of similar means in Ireland. I never did anything in my life that would call forth the odium of the lawless, or the revenge of the assassin, unless that I assisted in endeavouring to bring the murderers of Mr. Milo Bourke, late of Springfield, and Mr. Andrew Bourke, late of Greenlawn, to justice. These two inoffensive gentlemen were murdered for no other reason but because their lives were in leases of land. They were brothers and uncles of mine. I lost 300*l.* a year by the murder of Mr. Milo Bourke; and Mr. Bourke, of the Shelburne Hotel, to whom the property of his brother Milo reverted, had been obliged to sell it for one-tenth of its value, because he did not like coming to this country to receive his rents. Since that period there have been ten malicious injuries done to my property, and two attempts made on my life.

"I shall not trouble you with a detailed account of all, but merely state what occurred on the 7th of March instant. About 11 o'clock on the night of that day, while my wife, one child, and myself were in my parlour, nine bullets from a blunderbuss were discharged into the window; three bullets were lodged in the shutters, and one struck the fender around which we were sitting; the other five bullets hit the wall outside. All my family, consisting of ten children and five servants, were in the same room, at night prayers, a few minutes before the shot was fired, so that the assassin did not care whether he killed one person or seventeen. Had the 'Protection Act' been in force, the perpetrator of this horrible outrage could have been most easily detected."

I cannot conclude my observations, which I have prolonged to a great extent, better than by adopting the words used by this Gentleman: "As you love Ireland—as you hate injustice—as you abhor outrage and crime—I entreat, I implore you," not to oppose the progress of this Bill. Taking into consideration the further discussions which may arise relative to the state of affairs which I have described: bearing in mind that these fearful outrages do not yet extend to the whole or to a large part of Ireland; but, though limited to five counties, that there is a marked and dangerous tendency in them to spread. I call on you not to hesitate in the adoption of the means which are necessary to arrest the progress of this evil. I do not blame you reluctance: but this measure is necessary; and in the present circumstances of Ireland I entreat you not to delay the first reading of this Bill.

Mr. DILLON BROWNE moved that the debate be adjourned.

MR. O'CONNELL seconded the Motion.

MR. SMITH O'BRIEN rose, amid loud cries of "go on," and observed that it was not the intention of the Irish Members to oppose this Bill by means of repeated adjournments: on the contrary, they were desirous that the amplest discussion should take place; aad if opportunity for such discussion were afforded, they doubted not but that they would be able to show that many of the evils of which the Government complained so bitterly were to be attributed to the misrule and neglect of the Government themselves. But he supported the Motion for the adjournment on the present occasion, because it was now within half an hour of twelve o'clock; and as the hon. and learned Member for Cork, who had an Amendment on the books, would probably occupy two hours, if not more, with his address, he thought it was scarcely reasonable to ask his hon. and learned Friend to proceed at that unseasonable hour of the night.

MR. O'CONNELL was ready to go on, but he was very unwilling to do so, if it could be avoided, at that late hour; for the case he had to deal with was a very heavy and a very important one, and he must consume a very considerable period in addressing the House. He trusted that there was a tendency to conduct this measure in an amicable manner; and, if so, he implored them not to press them (the Irish Members) unnecessarily at that late hour to a statement which might be a lengthened one. They had already been sitting seven hours.

SIR ROBERT PEEL hoped that the House would not think of adjourning at that early hour. It would be quite without precedent that, with such a mass of business before them as yet undisposed of, they should adjourn at half-past eleven o'clock. They had already reduced the nights for debating to four, for they did not sit on Saturdays; and Wednesdays they had, by a recent resolution, determined on devoting to Bills and propositions introduced by private Members. He ventured to promise that, if the hon. and learned Member for Cork would proceed to address the House for two hours, or for an hour and a half, he would be listened to with great attention; but he hoped that the idea of adjourning at half-past eleven o'clock would be abandoned. After the Corn Bill had been disposed of, he would consent to affording every possible facility for discussion on this Bill in Committee, or anywhere else; and, indeed, he was most anxious that both its principles and its details should be canvassed most carefully; but he could not understand what good object could be obtained by vexatious obstruction to the first reading. He hoped that, at all events, the House would not rise before one o'clock.

MR. CALEB POWELL remarked, that all the Irish Members wanted was, that they should be permitted full opportunity of submitting in detail to the consideration of the House the facts and representations which constituted their case.

LORD CLAUDE HAMILTON ridiculed the idea of the Irish Members requiring an adjournment at that early hour. He thought it an exceedingly selfish proceeding, and which argued very little practical patriotism, that three Irish Members should stand up and insist upon the adjournment of the House, merely that they might retire to bed or elsewhere, to consult their own convenience. Surely, it could not be that their constitutions were worn out by their sedulous discharge of their Parliamentary duties; for many of them had not been seen for months in that House until that night. The hon. Member for Mayo, who had moved the adjournment, looked all freshness, and the very picture of health; and yet so anxious was he for the preservation of his senatorial health, that he would force the House to adjourn that he might have an opportunity of going to bed early.

MR. DILLON BROWNE said, that after the pointed allusion which had been made to him by the noble Lord opposite, he trusted the House would indulge him while he ventured to say a few words. The noble Lord had declared that he (Mr. Dillon Browne) should not, with his strong Irish feelings, entertain a desire to go to bed at that early hour. He (Mr. Browne) could not help thinking that it would have been well for the House, and for the noble Lord himself, if the noble Lord had gone to bed long ago. But, despite of the noble Lord's irrational gesticulations, and notwithanding that he was, upon the present occasion as offensive as it was his usual habit to be to Members of that House, he (Mr. Browne) would maintain his equanimity, and would endeavour to treat that House with respect, by pursuing a very opposite course to that pursued by the noble Lord. He would respectfully state to the House his reason for moving the adjournment. He did so, because he knew that his hon. and learned Friend the Member

for Cork (Mr. O'Connell), who had given notice of an Amendment—which must be prefaced by a long address—to the Motion under consideration, was not prepared at that late hour to address the House. He had also advocated the adjournment, because it was most essential that certain statements which had been made that night, affecting the character of the Irish people, should be effectively met; and this could only be done by granting some delay to obtain necessary information. Those were the circumstances under which he had moved the adjournment; and he could not think he had done wrong, even although he had incurred the wrath of the noble Lord.

Mr. M. MILNES did not wish that the hon. and learned Gentleman the Member for Cork should be put to any inconvenience. The mere circumstance of that hon. and learned Gentleman finding it necessary to address the House at some length, gave a peculiar character to the present Motion. But there were other hon. Members connected with Ireland who continued the debate, and who could express their views without so lengthened a preface. The House was quite ready to hear them. At the same time, as they had never been so long occupied in discussing the question of Adjournment, he thought the sooner they adjourned the better.

Sir R. PEEL would not further oppose the Motion for Adjournment, provided hon. Members who had Motions on the Paper for to-morrow were willing to postpone them. He must say that he consented most reluctantly to the adjournment, though he did not wish to subject the hon. and learned Gentleman to any inconvenience. If hon. Members would not consent to waive their Motions for to-morrow, then the only alternative would be in a further postponement of the debate, which he should strenuously oppose. He should feel it his duty to take the sense of the House on the Motion of adjournment, if hon. Members did not so consent.

Mr. W. R. COLLETT was entirely adverse to the postponement of the debate. He had most important documents in his possession, of the nature of which the House was not aware, and which made him most eager that no time should be lost in passing this measure into law. He was not in the habit of addressing the House, and never did so except when thoroughly acquainted with the subject, and able to substantiate his statements by undeniable facts. On this matter, he repeated, he could adduce facts of which hon. Gentlemen were not aware, and which were certainly of a nature not to warrant the adjournment of the debate for four or five days. He considered this measure as vastly more important than the Corn Laws—it was a matter of indifference whether the Corn Laws were repealed or not, compared with this Bill. What was the fact? There was not a steward on his Irish property that had not been shot at—two of them were murdered—and whilst one of his men was giving evidence in a court of justice, he had received a letter to say that his wife and children had been shot at. No man's life was safe in that district. Society was at a standstill; no person—not even the parish priest—was safe. He could bring forward evidence to show that life was not safe, and that, in fact, the ordinary interchanges of society were at an end. Yet, notwithstanding such a state of things, some hon. Gentlemen opposite thought it right to obstruct the Bill. He would not yield to any such obstruction for a single moment; and would sooner sit there and divide continually, than submit to it. The country would, he had no doubt, form a correct estimate of the motives of the men who thought it becoming to give a vexatious opposition to the progress of the Bill.

Lord J. RUSSELL thought the right hon. Baronet (Sir R. Peel) had put the question upon very fair grounds. He thought, however, that if the debate were to be adjourned until to-morrow, it would be a hardship to call upon the hon. and learned Member for Cork to address the House. He hoped, however, that they would be able to proceed at once with the debate, and that hon. Gentlemen who had notices of Motions on the Paper would consent to postpone them.

The House divided on the Question, that the debate be adjourned:—Ayes, 32; Noes, 98: Majority, 66.

List of the Ayes.

Archbold, R.	Macnamara, Major
Bridgeman, H.	M'Carthy, A.
Brotherton, J.	M'Donnell, J. M.
Chapman, B.	Milnes, R. M.
Collett, J.	Moffatt, G.
Curteis, H. B.	Napier, Sir C.
Esmonde, Sir T.	O'Brien, J.
Fitzgerald, R. A.	O'Brien, W. S.
Hawes, B.	O'Brien, T.
Hindley, C.	O'Connell, D.
Horsman, E.	O'Connell, J.
Kelly, J.	Osborne, R.

Power, J.	Wawn, J. T.
Rawdon, Col.	Wyse, T.
Somers, J. P.	
Somerville, Sir W. M.	TELLERS.
Thornely, T.	Browne, R. D.
Warburton, H.	Powell, C.

List of the NOES.

Ainsworth, P.	Hotham, Lord
Antrobus, E.	Howard, hon. E. G. G.
Baillie, Col.	Inglis, Sir R. H.
Baillie, W.	James, Sir W. C.
Baird, W.	Jermyn, Earl
Bankes, G.	Jocelyn, Visc.
Baring, rt. hon. W. B.	Johnstone, H.
Bennet, P.	Jones, Capt.
Bentinck, Lord G.	Kemble, H.
Blackburne, J. I.	Labouchere, rt. hon. H.
Borthwick, P.	Lawson, A.
Bowles, Adml.	Lennox, Lord G. H. G.
Broadwood, H.	Lockhart, W.
Brownrigg, J. S.	Mackenzie, W. F.
Bruce, Lord E.	Maclean, D.
Buller, C.	M'Neill, D.
Cardwell, E.	March, Earl of
Carew, W. H. P.	Martin, C. W.
Carnegie, hon. Capt.	Meynell, Capt.
Chichester, Ld. J. L.	Morgan, O.
Clerk, hon. Sir. G.	Mostyn, hon. E. M. L.
Clive, rt. hon. R. H.	Neville, R.
Cole, hon. H. A.	Newdegate, C. N.
Collett, W. R.	Peel, rt. hon. Sir R.
Corry, rt. hon. H.	Peel, J.
Deedes, W.	Plumptre, J. P.
Denison, E. B.	Repton, G. W. J.
Dickinson, F. H.	Rolleston, Col.
Douglas, Sir C. E.	Russell, Lord J.
Entwisle, W.	Russell, C.
Escott, B.	Rutherfurd, A.
Flower, Sir J.	Sandon, Visct.
Floyer, J.	Scott, hon. F.
Forbes, W.	Shelburne, Earl of
Forster, M.	Somerset, Lord G.
Fox, S. L.	Stanton, W. H.
Frewen, C. H.	Staunton, Sir G. T.
Gladstone, Capt.	Stuart, Lord J.
Gooch, E. S.	Tower, C.
Gordon, hon. Capt.	Trench, Sir F. W.
Goulburn, rt. hon. H.	Walker, R.
Graham, rt. hon. Sir J.	Walpole, S. H.
Greene, T.	Wellesley, Lord C.
Grogan, E.	Wilde, Sir T.
Hamilton, Lord C.	Worsley, Lord
Harcourt, G. G.	Wortley, hon. J. S.
Hayes, Sir E.	Yorke, H. R.
Henley, J. W.	
Herbert, rt. hon. S.	TELLERS.
Hobhouse, rt. hn. Sir J.	Young, J.
Hope, G. W.	Cripps, T.

The debate adjourned.

House adjourned at a quarter past Twelve.

HOUSE OF LORDS,

Tuesday, March 31, 1846.

MINUTES.] PUBLIC BILLS.—3ª. and passed. Mutiny; Marine Mutiny.

PETITIONS PRESENTED. From the Committee of a Dispensary in the City of Dublin, and from Physicians and Surgeons of the County of Armagh, for the Better Regulation and more Efficient Support of Medical Charities (Ireland).

RAILWAY AND STEAM PACKET STATIONS (IRELAND).

The MARQUESS of LANSDOWNE presented a petition from the grand jury of the county of Kerry, praying their Lordships to give their most attentive consideration to the various lines of railway now projected throughout Ireland, and more especially to such as were intended to be constructed in that county. The noble Marquess took occasion to inquire of his noble Friend the First Lord of the Admiralty (Lord Ellenborough) whether any consideration had been devoted or was intended to be directed by the department over which that noble Lord presided, to a matter which might be said to be connected in some degree with the subject of railways in Ireland, and which, at all events, possessed much interest for the Irish people. It was notorious that from time to time surveyors had been ordered, under the direction of Government, to take surveys upon the south-west coast of Ireland, in order to ascertain upon what part of that coast a packet station, or a military station, or both, might be most advantageously established, with a view to correspondence across the Atlantic, or the better security of the country. He was most desirous to avoid expressing any opinion whatever as to the expediency or inexpediency of undertaking any such works; that was a question which must rest upon military and naval grounds. Of the first the noble Duke opposite (the Duke of Wellington) was the best judge; and with respect to the latter, there were many persons whose opinions on the subject would be much more valuable than his (the Marquess of Lansdowne's); but what he wished to impress upon their Lordships was this, that if any design of the kind was indeed entertained by the Government, it was highly desirable that they (the Government) should make up their minds at once as to the exact place where it was proposed to establish the station or stations, and notify the same to the public with as little delay as possible. There ought to be some understanding with the Government with a view to see how the public interest might be promoted. It was due to capitalists and to the public in general, that this should be done, for it might prevent unnecessary expenditure or other inconvenience.

The EARL of ELLENBOROUGH said, that the subject had not been recently brought before the Admiralty. The choice of a packet station rested with the Treasury and not with the Admiralty: the Admiralty were only applied to in such a case, for the opinion of professional men, as to the eligibility of such and such a point for a packet station. It was not very probable that a packet station would be established either at Valentia or Bantry Harbour; if any such station were to be established at all on the Irish coast, it was likely that the site would be at Cork, which was more advantageously circumstanced than either of the other places.

THE NEW HOUSES OF PARLIAMENT.

The MARQUESS of CLANRICARDE said, that he had given notice of his intention to bring forward a Motion for an Address to Her Majesty on the subject of the New Houses of Parliament. The Address would be based upon the Report of the Committee, of which document in fact it would be the echo. The only point of exception which could be taken to the Resolution of which he had given notice, was, perhaps, that the Committee had not as yet reported or printed the evidence which had been adduced before them; but to this objection he did not attach much importance, for the circumstances of the case were so notorious, and the facts which had been printed last year must be still so fresh in the remembrance of their Lordships, that he did not think there could be any grounds for their withholding their assent to the proposition he was about to submit on the plea of want of sufficient information. However, if their Lordships should be of a different opinion, and should desire to look narrowly into the evidence before they determined upon taking any decisive step, the discussion on the Address might be taken to-night, though the decision on the Motion might be adjourned until such time as the evidence could be laid before them.

The DUKE of WELLINGTON was decidedly of opinion that it would be well to adjourn at least the decision on the Motion until a future day, in order to see what course of proceeding was likely to find favour in another place. As both Houses of Parliament were equally interested in this matter, it would be well if an opportunity for conference were afforded, so that they might agree as to the plan of proceeding for the future. Not only should a plan of proceeding be agreed on by both Houses of Parliament, but the form of that plan should be settled, and the Government should have the satisfaction of knowing that they were acting under the authority of both Houses.

The MARQUESS of CLANRICARDE said, that with the permission of their Lordships he would proceed with his Motion for an Address to the Crown; for he did not think that it was essentially necessary that the evidence should be reported and printed before the Resolution could be carried. If the course of proceeding to which he was about to urge their Lordships were one which could at all interfere with the business or the privileges of the other House of Parliament, it would of course be highly desirable that a conference should take place between both Houses before any step was taken; but he begged of their Lordships to remember that the House of Commons was not interested nor concerned in the present Motion. The Report of the Committee and the Address which he proposed to base upon that Report, and which was an echo of that Report, had an exclusive reference to their Lordships' House. It was a matter of fact of which their Lordships could not but be cognizant, that the Board of Works had been incorporated, he believed, by Act of Parliament some years ago with the Woods and Forests; and he was anxious that through the instrumentality of an Address to the Crown, the attention and exertions of this consolidated department of the public service, whose peculiar province it was to supervise such great public works, should be directed to the purpose of seeing that the new House intended for the accommodation of their Lordships should be completed with as little delay as possible. Their Lordships might not perhaps be aware—and yet the fact was so—that for the last nine months the works necessary for the erection of the House of Lords had been completely at a standstill. The Committee had stated in their Report that for the last nine months or more there positively had been no advance made towards the completion of the House designed for their Lordships, notwithstanding that they had repeatedly expressed their impatience to get into it. The fact was, as they (the Committee) had been informed, some difference of opinion had unhappily arisen between the architect and the scientific gentleman to whom the duty of ventilating the new building had been confided, and the consequence of this difference had

been a total suspension of the works. The Committee were unable to apply any remedy; they could not settle the difference, nor was it competent for them to issue final orders, for their duty was not to supervise the works, but merely to watch their progress, and to report upon it. In this perplexing state of affairs a necessity had clearly arisen for the intervention of a supreme authority—that of the Queen herself, whose palace the new edifice was. This supreme authority should be appealed to, not for the purpose of deciding whether Mr. Barry or Dr. Reid was right, but in order that both gentlemen might be compelled to comply with the covenant to which they were bound by oath, and take immediate steps towards the completion of the works, so that the House might be ready for their Lordships' reception by the next Session. If the aid of the Woods and Forests department were not now called in by means of an appeal to the supreme authority, there was no knowing when their Lordships would get access to their new House. The noble Marquess, in conclusion, disclaimed all intention of casting the slightest censure on the noble Lords who were connected with the Woods and Forests. He was sure that they had always been anxious to discharge their duties in the most efficient manner; but something must be done, and the Committee being of opinion that nothing could remedy the present state of things but the intervention of a strong supreme power, had authorized him to bring forward this Motion. The noble Marquess then read the Address, and concluded by moving its adoption.

The LORD CHANCELLOR having put the question,

VISCOUNT CANNING observed that there were several considerations which induced him to oppose the Motion. In the first place, their Lordships were not in possession of the evidence upon which the Report was based, of which this Address was said to be the echo. The Report itself had been only laid upon the Table last night; but one particle of the evidence had not yet been printed. One passage in the Report of the Committee might be construed into an imputation upon a department of the Government of not having done what was in their power; and upon that account it was but fair that the evidence should be seen by their Lordships before they agreed to the proposed Address. Also a Committee of the other House was now sitting upon the same subject, and that House might think proper to embody their views in an Address founded upon the Report of their Committee. Having been favoured with a sight of that Report, he knew that, in one respect, it ran counter to the Report of their Lordships' Committee; and thus, if their Lordships agreed to an Address now, it might happen that contradictory Addresses were presented to the Queen by the two Houses.

LORD REDESDALE said, that the facts were so perfectly notorious as not to require the publication of evidence. Without imputing any blame to the Woods and Forests, he might say that there had appeared on the part of that department, since the appointment of their Lordships' Committee, a leaning rather to support Mr. Barry in his delay than to expedite him.

The MARQUESS of LANSDOWNE, although agreeing that the facts of the case were notorious, yet submitted whether it might not be expedient to adjourn the discussion until the evidence should appear; and by that time they would be in possession of the proceedings in the other House of Parliament. He conceived that there should be an opportunity of declaring that the grand object of their Lordships being properly lodged should not give way to any disputes between parties, or to any Utopian schemes of improvement. An Address to the Crown would render it apparent that the Woods and Forests were responsible for the execution of the works.

The DUKE of WELLINGTON said, it had been truly stated that it was the palace of the Sovereign that was under discussion, and that the Government was therefore responsible for all that concerned it; but even were it not so, the importance of the matter and the enormous expenses that had been incurred upon the building, must make the Government responsible for all that related to it. It was true that responsibility had been to a certain degree covered or limited by the nomination of Committees of both Houses of Parliament to attend to the proceedings; but now it appeared to be desired by that House, and by the other House too, so far as he could judge from the Reports of their Committee, that the Board of Woods and Forests, as the responsible board for the management of affairs of this kind, should undertake an active supervision over the persons engaged in completing the building. Undoubtedly the Government must be most anxious to carry that wish into execution,

by giving positive instructions to the Board in respect to the mode in which they were to carry this supervision into effect, and also to direct such details as might appear to be consistent with the wishes expressed by the two Houses of Parliament. But he begged their Lordships not to involve the Government in difficulty by presenting to the Queen two separate Addresses from the two Houses of Parliament, by agreeing to an Address without kuowing what was passing in the Committee of the other House. He concurred in the wish expressed by the noble Marquess that the discussion should be adjourned, in order to see what were the views of the other House; and if the two Houses concurred, that there should be such a supervision of the works as would be effectual.

LORD CAMPBELL thought no case had been shown to justify the notion that the House had improperly interfered in this matter. He was ready to agree to the proposal for potponing the discussion until they should see the evidence and the Report of the House of Commons; but he trusted that the two Houses would act concurrently. He was sure any recommendation they might make would meet with proper attention on the part of the Government, and that before long their wishes would be fully satisfied.

The MARQUESS of CLANRICARDE said, after what had fallen from the noble Duke, he should move that the debate be adjourned. He would make no attempt to resume it till the evidence was printed, and the holidays had passed over.

Debate adjourned.

House adjourned.

HOUSE OF COMMONS,

Wednesday, April 1, 1846.

MINUTES.] NEW WRIT. For Richmond, *v.* the Hon. William Nicholas Ridley Colborne, deceased.

PUBLIC BILLS.—1°. Insolvent Debtors (India).

2°. Railway, &c. Deposits; Administration of Criminal Justice.

PETITIONS PRESENTED. By Mr. Newdegate, from Persons entitle to Vote at any Election of a Member or Members to Serve in Parliament for the Eastern Division of the County of Gloucester, alleging Fraudulent and Vexatious Objections to Votes of Electors.—By Mr. Aldam, Mr. Brotherton, Viscount Ebrington, and Viscount Morpeth, from several places, for Better Observance of the Lord's Day.—By Sir Robert Harry Inglis, from Inhabitants of the Parish of St. Sidwell's, for Repeal of the Maynooth College Act.—By Mr. Broadley, from Catholic Freeholders and others resident in the Southern Division of Holderness, in favour of the Roman Catholic Relief Bill.—By Sir Robert Harry Inglis, from Rural Dean and Clergy of the South Western Division of the Deanery of Chalke, and Clergy of the Rural Deanery of Cirencester, against Union of St. Asaph and Bangor Dioceses.—By Lord G. Bentinck, from Inhabitants of the Tower Hamlets, against the proposed Government Measure respecting Customs and Corn Importation.—By Sir Robert Peel, from Shipowners in Leith, in favour of the proposed Measure respecting Timber.—By Captain Pechell, from Henry Hugh Pyke, Esq., Barrister, of 87, Chancery Lone, complaining of being Expelled from the Bar on Frivolous Charges, and praying for Inquiry.—By Mr. Ewart, from Members of the Cornwall Building and Provident Institution, for Alteration of Benefit Building Societies Act.—By Sir Robert Harry Inglis, from Vestrymen of the Parishes of Saint Giles-in-the-Fields, and Saint George, Bloomsbury, against Union with other Parishes.—By several hon. Members, from an immense number of places, for Limiting the Hours of Labour of Children and Young Persons employed in Factories to Ten.—By Mr. John O'Brien, from Mayor, Aldermen, and Burgesses of the Borough of Limerick, for Improvement of Limerick Harbour.—By Mr. Acland, and Mr. Sidney Herbert, from Ratepayers of the Parishes of Sutton Mallett and Donhead St. Andrew, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Viscount Morpeth, from Board of Guardians of the Skipton Union, for Alteration of the Poor Law.—By Viscount Morpeth, from Roman Catholic Chaplains in the Workhouses in the United Diocese of Down and Connor, for appointing Roman Catholics to certain Offices under the Poor Law (Ireland).—By Viscount Morpeth, Mr. Robert Palmer, and Mr. Wawn, from a number of Persons, for a Superannuation Fund for Poor Law Officers.—By Lord George Bentinck, from Guardians of the Poor of the Borough of King's Lynn, and by Mr. Trelawny, from Guardians of the Poor of Tavistock Union, against the Poor Removal Bill.—By Mr. William Smith O'Brien, from James O'Sullivan, of Liverpool, for Protection of Labourers on Public Works.—By Mr. Dennistoun, from Bankers, Merchants, Manufacturers, and other Inhabitants of the City of Glasgow, for restricting the Number of Railways.—By Mr. Forbes, from Distillers in Athole and Strathtay, complaining of Grievances in the Spirit Trade.

PROTECTION OF LIFE (IRELAND).

On the Question that the Dropped Orders be read,

MR. W. SMITH O'BRIEN wished to call the attention of the right hon. Baronet (Sir R. Peel) to the fact that, on the division upon the Coercion Bill, the total number of Irish Members who supported that measure was only ten, whilst no lesss that thirty-four voted against it. Out of the whole number of Irish Members present at the discussion on Monday night, it was evident that more than three-fourths thought it was not necessary to proceed with the Bill; and, considering the urgency of other measures before the House, it would be a great injustice to the people of Ireland to force the Bill upon them at present.

SIR R. PEEL was very unwilling to give rise to an irregular discussion; but he must say there was a most material difference between the hon. Member's impression and his own as to the particular Motion upon which the House divided on Monday night. He thought the House had not gone into a discussion upon the merits of the Bill; and he was sure the remarks

of the hon. Gentleman did not refer to the question of adjournment, which had been only preliminary. He (Sir R. Peel) thought the hon. Baronet (Sir W. Somerville) who made the Motion on Monday night, said he meant only to call for a decision upon the question whether or no the Irish Bill ought to have precedence over the Corn Bill. The noble Lord who supported the Motion distinctly said he reserved his opinion altogether upon the policy of the measure. All the noble Lord meant to imply by the vote was, that the Corn Bill ought to be proceeded with at once in preference to the Irish Bill. That being so, the observations which the hon. Member had made had no bearing at all, inasmuch as the House had not come to any decision upon the question.

Sir J. GRAHAM, in moving that the Order of the Day for the adjourned debate on the first reading of the Irish Bill be postponed till to-morrow, said he would avail himself of the opportunity to explain an inaccuracy in his statement on Monday evening. The inaccuracy related to the case of Mr. Wilson, a magistrate of the county of Clare, who, without provocation, had been compelled to leave home, and the improvement of his estate, in consequence of the threatening notices he had received. The House would remember that he (Sir J. Graham) stated, that previously to Mr. Wilson leaving his home, he attended a chapel, and that an address was made to the congregation from the altar by the parish priest. He had stated that this circumstance occurred before the first threatening notice was sent. That was not so—the address from the altar took place after the first threatening notice, towards the end of last September; and three other threatening notices following, Mr. Wilson left his home towards the beginning of the present year. He had stated also, that Mr. Wilson was aware of a committee having sat in judgment upon him, and that he knew the parties who composed that body. That statement was erroneous. Mr. Wilson had not said he knew them. If he had known them, it would have been his duty as a magistrate to have caused them to be arrested. With this single exception, the information which he (Sir J. Graham) had laid before the House was strictly correct. But there being an inaccuracy in this particular he had felt it his duty to inform the House of it.

Mr. H. GRATTAN declared his intention of resisting the Bill. It was headed "A Bill for the better Protection of Life in Ireland;" but it would not protect life in Ireland, and therefore he objected to it. It was founded on falsehood, and he would not be a party to the false statements of any man, or any body of men. He acquitted Her Majesty's Government, however, of any malice; but he convicted them of ignorance of the true remedies for Ireland. The peace of Ireland could only be preserved by the gentry of Ireland; and if the right hon. Baronet would but make the gentry do their duty, nothing would be heard about disturbance.

Mr. D. BROWNE intreated the right hon. Baronet to allay irritation in Ireland by remedial, not coercive, measures. Conciliation would do more to tranquillize the country than the exercise of unconstitutional power, although it might only be temporary.

Sir R. PEEL said, he might be erroneous in his impressions with regard to the danger of scarcity in Ireland; but he assured the House that he entertained serious apprehensions of danger from that cause. He had given the greatest proofs any man could give of the sincerity of his convictions, and of his willingness to make any sacrifice that a public man could make in order that the people of Ireland might not be exposed to greater evils than were inseparable from a state of scarcity. Having given those proofs, he thought he might ask hon. Members from Ireland to permit the Bill to be read the first time, reserving to themselves the opportunity to oppose its further progress—that the House might be permitted to go on at the earliest period with the discussion of those measures which were intended for the relief of the poor from scarcity.

Mr. O'CONNELL did not wish to be ungrateful to the right hon. Baronet for the efforts he had made to meet the famine in Ireland. On the contrary he acknowledged most gladly, and if he might be permitted to say so, most gratefully, the efforts of the Government of the right hon. Baronet, and the plans they had laid down to relieve the wants of the people of that part of the country. If, therefore, it were a mere question of form and ceremony, he should acquiesce at once; but this was an attempt to deprive the people of Ireland of the benefits of the Constitution. They had the burden of the Union upon them, and surely they ought to have the benefits of it. They ought to have the same laws as Eng-

land, where there was not an inevitable necessity to change them; and in this case he denied the inevitable necessity. The Members from Ireland had therefore a duty to perform towards their country, which made them reluctantly obliged to oppose this Bill at every stage, and not to allow one single reading of it to take place without the strongest opposition. He could observe to the right hon. Baronet (Sir J. Graham), that there would be no use postponing the Bill till to-morrow, for there was more business on the Paper than could be got through. He might as well postpone it at once till Friday. Would the right hon. Gentleman have any objection to lay upon the Table, in the meantime, as far as it could be done consistently with his public duty, the documentary evidence of the different facts alleged to have taken place in his luminous and extraordinarily temperate speech in opening the case on Monday night?

Sir J. GRAHAM said, as all the documents he read on Monday night were official, and as every statement had been made upon written authority, with the single exception of the case of Mr. Wilson, he had no objection to lay upon the Table officially all the Reports he had used on that occasion.

Adjourned debate postponed.

THE LICHFIELD GRAMMAR SCHOOL.

Viscount INGESTRE, in resuming the adjourned debate on the subject of the action brought against the editor of a Wolverhampton paper for the republication of a report of the rev. Mr. Allen, an inspector of schools under the Education Commissioners, published and circulated by order of Parliament, said he wished to obtain a reply from some Member of the Government as to their intentions with respect to this case, which not only was one of great individual hardship, but in which an important public principle was involved. It was alleged that the school in question had suffered great diminution of its funds, and had been kept closed for six years in consequence of the misconduct of the master, part of which misconduct consisted in his ill treatment of two boys, for which he was subjected to examination by a magistrate, one of the boys having been confined to his bed under surgical advice for a fortnight. The master of the school, Mr. Coppenthwaite Smith, was since dead; but an action had been brought against Mr. Parker, the Government printer of the Report of the Education Commissioners; and an action had also been brought against Mr. Wood, the editor of the newspaper. His learned Friend the Attorney General appeared for Mr. Parker; but the defence of Mr. Parker was abandoned on the ground that the Report which had been laid on the Table of that House was false. What he complained of was, that the editor of a publication of this kind should be subjected to penalties for copying a report appearing as an official document, which was afterwards stated to be false. Where could the conductors of public journals look for accurate reports if not to the documents laid on the Table of that House? The petitioner, Mr. Wood, having received no answer to his applications to the Secretary of the Treasury and the Secretary of State for the Home Department, a memorial was forwarded to the Treasury, signed individually by the mayor and other members of the corporation of the city of Lichfield. Mr. Allen might be, and he had no doubt was, a very respectable man, and anxious to do his duty; but in this case he had totally neglected it, for he had never gone near the school, nor examined a single person, but took the whole of the reports made to him for granted, although he was obliged afterwards to admit that a great part of them were false. Mr. Parker, as he had said, was defended by the Treasury, and damages of 40*s.* brought in against him; whereas the petitioner was at the last moment thrown overboard by the solicitor, and the Treasury, who relinquished the defence, and a fine of 50*l.*, with costs, was inflicted. Although he admitted that the petitioner had no claim upon the Treasury, he hoped a recommendation would be conveyed to Mr. Allen, that Mr. Wood be remunerated by him for the expenses he had incurred. Having thus brought the case under the notice of the Government and the House, as it was necessary for him to make a Motion, he should conclude with merely moving—

"That there be laid before this House, a Copy of the Memorial presented to the Treasury by Mr. Thomas Wood, proprietor of the Wolverhampton Chronicle, in relation to the Lichfield Free School."

Mr. CARDWELL observed, that the Memorial was, in point of words, nearly identical with the petition which the noble Lord had presented to the House. He entirely concurred in the admission of the noble Lord, that the petitioner had no claim upon the Treasury. The memorial con-

cluded with a prayer that the Lords of the Treasury would take the memorialist's case into consideration, and issue an order for the payment of such damages and expenses as it should be found he had justly incurred. This prayer was considered by the Treasury not entitled to their concurrence. As far as he knew the facts of the case, he believed it to be true that the Commissioners of Education had felt it their duty to institute an inquiry into the state of the school at Lichfield, which was conducted by the very respectable gentleman who performed the duty of their inspector ; and the report to which the noble noble Lord referred was presented to the Commissioners. It was of great importance that the substance of investigations of this kind should be circulated in a cheap shape in order to convey general information connected with the important subject of education ; and the report so circulated in this case was copied into the newspaper of which the petitioner was proprietor and conductor. And parties upon whom certain observations were made brought actions against the person who originally printed the report, and against the proprietor of the newspaper ; and his learned Friend the Attorney General, who was instructed by the Government to defend Mr. Parker, on considering the evidence that could be adduced to support the plea of justification which had been originally entered, did not think it right to maintain that plea, but submitted to a verdict ; and the lowest fine that would carry costs was imposed, which was paid by the Government which had been published under their authority. But with regard to this petitioner, it appeared that he, acting in his ordinary avocation, copied this report, and added some remarks of his own. He did not enter upon the question whether anything in the verdict of the jury turned upon those additional remarks or not ; but the jury who pronounced that verdict knew the grounds of the defence—namely, that the document was an official one. It was impossible, with all the caution that could be exercised, to conduct inquiries of this kind without occasionally receiving information which might be prejudicial to individuals ; and he did not think that the Government were responsible for any statements of that kind into which the Commissioner might have been betrayed. There was no class of persons in the community to whom it was of greater importance that questions regarding the discharge of their duty should be governed by the decision of a jury, than the conductors of newspapers themselves. The noble Lord admitted tbat the petitioner had no claim for public money, and he hoped the House would feel that there was no just grounds for any imputation upon the Treasury.

Viscount INGESTRE observed, that the additional remarks to which the hon. Gentleman alluded, merely had reference to the corporation of Lichfield, who had put the master in the school, and had nothing to do with the subject of the Report. The hardship of which he complained was, that Mr. Wood could have done much better if the Treasury had left him altogether to his own defence, instead of abandoning him at the last moment, when it was not possible for him to put his case in a proper state for the decision of the jury.

The ATTORNEY GENERAL said, he hardly knew in what position the matter was before the House, because his noble Friend admitted that the petitioner was wholly without a claim. He was afraid that if he even thought that Mr. Allen ought to pay the damages and costs, and recommended him, as his noble Friend wished, to do so, his influence would be of very little avail ; but he did not think that Mr. Allen was at all called upon to interfere in that way. He did not think that the original remarks which had been referred to were without any effect upon the verdict, because their object was invidiously to direct public attention to the school and to the master. They began with a Latin quotation, "*Ecce iterum Crispinus*"—"Lo, here he comes again"—and proceeded to designate the school as a "notorious" one. The heading given to the report of the inspector, and the invidious remarks made thereupon, to direct public attention to the conduct of the schoolmaster, had been in some way effectual in procuring such a verdict. The House would recollect a case in which the heading of a report of a trial was made the subject of an action for libel. A faithful report of the trial which had taken place would have been justifiable ; but it was headed, "Shameful Conduct of an Attorney ;" and the printer was made answerable for an action for libel. He differed from the noble Lord if he supposed that the additional remarks had no effect in influencing the jury. Now, with regard to his own conduct, there was a plea of justification drawn up, and certain evidence in support of that plea was laid

before him. The whole of it, however, could not be proved satisfactorily; and in point of law the justification was not fully established. He did not consider it to be consistent with his duty, under these circumstances, to proceed with the defence. The case of Mr. Wood was quite distinct from that of Mr. Parker, and he was defended by a different solicitor. Mr. Wood refused to apologize to Mr. Smith in open court, and they found a verdict of 50*l.* damages. He should like to know how anything which had been done by Mr. Parker in the matter could justify their calling on Mr. Allen to reimburse Mr. Wood for publishing what he must say was an improper extract from a book—the report regarding the Lichfield school, and parading it before the public? He did not well understand what his noble Friend called upon the House to do; but he thought the House would not wish to interfere in a matter of that kind.

Mr. CHRISTIE thought that the noble Lord was fully justified in bringing this matter before the House. The state of the law was imperfect which made a newspaper responsible for publishing a copy of an official document, published under official sanction, and sent into circulation on the authority of Government. The Motion of the noble Lord would have the effect of directing public attention to the subject, and would help to clear the way for an amendment of the law.

Viscount SANDON said, it was impossible that the state of things connected with the school of Lichfield, where Dr. Johnson was brought up, should not attract and excite the feelings of the nation; and it was not surprising that the editor of a newspaper in the neighbourhood should have quoted a report relating to the lamentable state of that school. He thought that some understanding should be come to —whether parties had or had not the right to consider documents published under the authority of Parliament such as might be used by them for the purpose of criticism and statement. If they had not that right, of what use were the documents? They were not got up for private use, but that the public attention might be directed to them. He considered that this gentleman was not actuated by any personal malice, but that, being strongly excited at the lamentable state of things in his own neighbourhood, he reprinted an authentic document, accompanying it with some expressions arising from the facts as he viewed them.

Mr. MUNTZ happened to know something of the case, because he was subpœnaed at the trial. This was not a case of merely copying a report. If Mr. Wood had done that, he would have a different case, and the verdict might be considered hard upon him. But he commented upon the report in every way, and accompanied it with remarks which were most unjust, unsound, and untrue. That made the greatest difference in the case.

Sir R. H. INGLIS said, that his noble Friend brought forward this case in order to call the attention of the House and the Government to the great principle involved in it. The question was, whether those who conducted the newspapers of England could with safety, or without the risk of actual ruin, republish those documents laid in the shape of great blue books, or small papers, on the Table of the House—whether they could legally publish those documents which were published under the authority of that House. In the present instance he admitted that the gravamen did not consist in publishing the document, but in the heading prefixed to it, although Mr. Parker, who had the direct sanction of the House, and published the document, only had a verdict against him amounting to 40*s.* damages; yet he thought that Her Majesty's Government would be only exercising a wholesome discretion, if, as they did on other instances, they reimbursed Mr. Wood for the expenses which he had incurred. He offered to make every apology that a reasonable man could be expected to make; and unless they were prepared to sanction the principle that their reports should be commented upon by none who had not the privilege of Parliament—that no person should speak of their reports unless within the four walls of that House, he could not but think that some indulgence should be shown to this gentleman, who had done no more than other proprietors of newspapers had done with respect to similar reports, namely, call attention to a report which spoke of a state of things connected with his neighbourhood.

Mr. EWART said, that the line was distinct between the legislative functions of that House and the exercise of any legal authority. The less the House attempted to involve itself with the proceedings of the courts of law the better. He thought that a case had been made out for a change in the law, but that none had been made out for the interference of the

House in the case brought before them. Whenever public documents were issued relating to the public good, they ought to be animadverted on by the public press of this country. While on this subject, he begged to put a question to the right hon. Baronet with regard to the important subject of the reform of the grammar schools of this country. It was now two years since the Report of the Commissioners on this subject had been laid on the Table, and he wished to know whether it was the intention of the Government to bring in any Bill on the subject founded on the Report of the Commissioners.

Sir J. GRAHAM said, that in consequence of the immense accumulation of other public business to which his attention was directed, he had not given that attention to the subject to which the hon. Gentleman referred, which it required. With regard to the particular case before the House, he must observe, in reference to what had fallen from the hon. Member for the University of Oxford, that this was not so much a question of publishing a public document as one respecting the documents which accompanied it. The jury did not question the right to publish a public document; but they seemed to deny the justice of the comments made; and in the present case they drew the distinction, because in the case of Mr, Parker they awarded only 40*s.* damages; but, in estimating the damages to be given for the comments which accompanied the document, the jury came to a different conclusion, for they found a verdict for 50*l.*, marking thereby that in their opinion there was malice in the comments, and not a desire to do justice. He thought it would be most unreasonable and highly inconvenient if, under these circumstances, and after two verdicts had passed, the House were to interfere in the matter.

Motion withdrawn.

RAILWAY DEPOSITS.

Mr. MOFFATT moved the Second Reading of the Railway Deposits Bill. By the law as it at present stood, the subscribers to an undertaking were compelled to make a transfer of money, and money only, to the Accountant General of the Court of Chancery; and they were also compelled to do so only under the Speaker's warrant, obtained on each occasion. Great inconvenience had been experienced from the adoption of this course; and during the present year large losses had been sustained by these proceedings. In many undertakings the deposits had been invested in the funds at a time when the funds were high, and had been obliged to sell out when funds were low, to procure money to be paid to the Accountant General; and then, if they reinvested, great loss was experienced. He believed that the loss on the operations of the last three or four months had been as much as 2, 3, and 4 per cent, and the inconvenience had also been great. The remedy proposed by the Bill was to permit the transfer of funds or other Government securities or Exchequer Bills in lieu of money to be made to the Accountant General. The Bill also abolished the necessity for having a Speaker's order for paying the money in. His proposal had met with the general approbation of the parties most interested; it would lead to a great simplification of business, and would afford quite as large a security to the Parliament and to the country.

The CHANCELLOR of the EXCHEQUER said, that the hon. Gentleman having consented to make those Amendments in the Bill when it went into Committee which he thought necessary, he had no objection to the second reading. The hon. Member had at first proposed that instead of the money or funds being paid to the Accountant General, they should be paid into the Bank of England. The consequence would be, that if any dispute should arise between the parties as to their interest, or as to any lien, it would be necessary to institute a Chancery suit to determine the rights; and whether he considered the interests of the parties concerned, or of the innocent Bank of England, he thought it would be unjust to subject that body to the expense and burden of these Chancery suits. As the Bill would be amended, the money would be paid to the Accountant General as before, and in cases where the House should sanction the transfer of stock or Exchequer Bills, the Accountant General would hold for the parties.

Lord J. RUSSELL asked whether the House or the Speaker was to provide for accepting stock or Exchequer Bills instead of money, and what was to be done if the House was not sitting?

The CHANCELLOR of the EXCHEQUER replied, that the parties would deposit with the Clerk of the Private Bill-office the particulars of the mode in which they proposed to make the deposit, and his signature would be the authority for the Accountant General to accept it.

Mr. W. R. COLLETT was glad to find the Chancellor of the Exchequer had seen that an amendment of the law was necessary. He did not understand what the alterations to be made in the Bill were; he believed the Bill as it stood to be a good Bill, and till he saw the proposed amendments he could give no opinion upon them. A more concise Bill, or one better adapted to its purpose, had never been introduced into the House. He thought the absolute loss to the parties who had invested and had then sold out and reinvested, had been much underrated by the hon. Gentleman; he believed that there had been a loss of several hundred thousand pounds without any benefit. The old machinery had been awkward and very ill-adapted to its purpose; and in the present Bill the country and the railway proprietors would find a great boon.

Bill read a second time.

DESTITUTE POOR (IRELAND).

Mr. P. SCROPE, in moving the second reading of this Bill, would shortly state his reasons for introducing it, which he had not before an opportunity of doing, owing to the facilities he had given for continuing the Corn Law debates. And, first, he must apologize to the House for taking upon himself a task which exceeded the limits of his poor abilities, and a subject of such great importance. That apology would be the statement which, without any egotism, he might perhaps make, that this was not the first time he had given his attention to matters of this kind. For the last twenty years he had taken a great interest in the condition of the poor in Ireland, and had urged upon the House the necessity and importance of making provision for the poor in Ireland on the model of that which had been in operation for two centuries and a half with the best results in England. He might mention that, on the second reading of the Coercion Bill in 1834, he felt so strongly as to the necessity and justice of introducing measures for the relief of the destitute poor who were driven by desperation to the commission of crime in Ireland, that he then moved the following Resolution :—

"That, in order to secure life and property in Ireland, to remove all pretext for criminal outrages, and to give effect to whatever measure of severity may be adopted for their suppression, it is expedient that the population of that island be assured of the means of supporting life by peaceful and honest industry; and this House will turn its attention, at the earliest opportunity, to some measure for effecting this desirable end."

That was twelve years ago. On the third reading of the Coercion Bill of the next year, in 1835, he divided the House on Resolutions very much to the tenor of the preceding one. On other occasions he had co-operated with hon. Members of that House, who concurred with him in opinion that a poor law was essential to the maintenance of tranquillity and the improvement of the resources of Ireland. The public felt a deep interest in the matter, and eventually the Government of that day felt themselves compelled to take the question up, and appointed a Commission to inquire into the state of the poor in Ireland. At the end of the second year the Commissioners made their Report, and that Report was very much in favour of the measures he had advocated. In the concluding passage of it they said—

"Upon the best consideration which we have been able to give to the whole subject, we think that a legal provision should be made and rates levied as hereinafter mentioned, for the relief and support of incurable as well as curable lunatics, of idiots, epileptic persons, cripples, deaf and dumb, and blind poor, and all who labour under permanent bodily infirmities—such relief and support to be afforded within the walls of public institutions; also for the relief of the sick poor in hospitals, infirmaries, and convalescent establishments, or by extern attendance and a supply of food as well as medicine, where the persons to be relieved are not in a state to be removed from home; also for the purpose of emigration, for the support of penitentiaries in which vagrants may be sent, and for the maintenance of deserted children; also towards the relief of aged and infirm persons, of orphans, of helpless widows with young children, of the families of sick persons, and of casual destitution."

Their plan amounted, in fact, to a system of indoor and outdoor relief, competent to supply all that was wanted for the poor in Ireland. The able-bodied, it is true, were excepted, but to them relief by emigration was recommended; and the Report went the whole length of the principles he had supported—a right to relief to some extent or other to save man, woman, or child from perishing from want; and that some legal provision should be made for them. Further than that, he had not urged the principle, except that if emigration did not afford sufficient relief, some other mode should be adopted. The Government, however, were not satisfied with that Report; and they sent over another Commissioner, Mr. Nicholls, at the close of 1836; and that Gentleman, at the end of a few months' residence there, returned with another Re-

port, in which he recommended that the relief to the poor should be confined to the workhouse system; and upon that principle the Bill of the following year was framed. But that Bill was deficient in that which, in his mind, should always be at the bottom of any practical system of relief, namely, a right to relief in some way or other for those who were in dread of starvation, and who might thereby be driven into crime. The public were satisfied at the time, no doubt, by the introduction of a measure calling itself an Irish Poor Law, and it passed, perhaps, without being scrutinized too closely as to the relief it proposed to give. The public had been comparatively tranquil since; nor had he interfered, being desirous to see, in the first place, what the system then established would be —to see the workhouses built; the last of which, he believed, was only finished last year—and partly to see how the system, confining itself to workhouse relief, would act. But the time was now come when it would neither satisfy the public nor the principles of humanity and justice, that relief should be confined to the miserable and scanty system at present in force in Ireland under that law. The test of any system of poor relief or any other must be —has it answered its purpose, or fulfilled the objects for which it was enacted? Now, what were the objects for which a poor law was required in Ireland, or in any other country? They appeared to him to be threefold. The first was the relief of the destitute, as a matter of charity and humanity, on the ground that it was contrary to human feeling to allow the poor to perish in the streets from want; and that it was much more economical to relieve them by a proper system of relief at the expense of the community, than by alms being given, or by any other mode. The second object was, as a measure of police, to enable the law to put down mendicancy and vagrancy, which were contrary to all moral order and cleanliness, and to the industrious habits of the population; but that could not be done unless they granted a right to relief. The right hon. Baronet (Sir J. Graham) said the other night that the Irish had a right to beg; but he thought it was conceded by the right hon. Baronet that it was not for the advantage of the community that that privilege should be exercised; and from the filth, immorality, profligacy, and waste it engendered throughout the country, it was absolutely necessary to be put down. The third object of a Poor Law in any country was, he believed, to give that protection to the life of the poor man which ought to be the foundation of all law, and which was necessary to take from him the plea of absolute necessity as an excuse for crime. The law of the land, he believed, sanctioned the commission of crime in the extremest necessity; he believed that the Judges of the land had said that stealing a loaf from a shop by a man who was starving from hunger was not punishable by law. [The Attorney General: That is not so.] At all events you cannot punish a man who was starving, and who helped himself for the purpose of maintaining life to the nearest food at hand; and therefore unless they could give relief, they could not justify the law which protected any property whatever, especially property in land, which was the common gift of the Creator to mankind upon which to maintain themselves; and he asserted indisputably that when they established a monopoly of the land of a country in the hands of a large or a small number of proprietors, the mass of the inhabitants of that country had a right to call upon Parliament to give them some other resources to secure them from absolute want, and from perishing upon the face of the land which God had given them to support themselves. These were the three objects of all Poor Laws in any country which hoped to become civilized. Now let them ask how far those purposes had been answered under the law established with the name of a Poor Law in Ireland, in 1837. Why, relief being confined to the workhouses, which would barely contain one per cent of the population of Ireland, it was beyond doubt as a matter of fact that not only the extraordinary destitution that occasionally occurred in that country, but the permanent destitution, could not be relieved by the present system. The amount of destitution there was no doubt beyond that of England, as compared to the total population; yet in England the number of destitute persons numbered about 10 per cent. The number of workhouses was 534, and no less a proportion than six-sevenths of the entire number of paupers had outdoor relief. But in Ireland, under the existing Poor Law, they had not the means of relieving one hundredth part of the population. In proof of the state of feeling in Ireland upon this subject, he would call attention to the petition from the town council of Limerick, in which they said, that in the

Report of Lord Devon's Commission it was stated that there were in Ireland 2,385,000 persons in absolute pauperism, and yet that there were not workhouses to contain more than 90,000 persons. Could they possibly call that an adequate measure of relief for the poor? And the petition went on to say that if the workhouses were meant not to relieve pauperism, but rather destitution, they did not even accomplish that object; for although the Poor Laws had been five years in operation, yet, by the last census, it appeared that the country was perhaps worse than when Mr. Nicholls made his report. In fact, those great buildings intended for workhouses had become immense infirmaries and hospitals throughout the country, and as such they had done much good; but towards effecting the first object of the Poor Law they had done almost nothing. It was clear then that towards relieving the destitution of Ireland the existing Poor Law had done very little. He then proceeded to ask, whether it answered the second purpose he had mentioned, that of enabling the law to put down mendicancy and vagrancy? It had not touched that system, for it prevailed from one end of the country to the other. It was impossible for any one to land in Ireland without being immediately surrounded with such a crowd of wretched mendicants as could not be surpassed by any other country in the world; and in the cottages throughout Ireland they would find the poor inmates sharing their last potato with the beggars that crowded round the door asking for relief. The right hon. Baronet spoke of the Irish having a right to beg for their subsistence; he could not have been in earnest; and he called upon the Government to declare themselves clearly on this matter, and to say whether they intended to recommend to Parliament any measure to put down the mass of vagrancy and mendicancy in Ireland, or what they thought the present state of things there required. He knew that the right hon. Baronet said that the majority of the population there were Roman Catholics, and that it was a principle of those of the Catholic persuasion to give alms to a great extent. No doubt it was, and every one must admire the humanity that dictated such a course; but he did not believe that it was a principle of the Catholic religion that such a system of almsgiving should be substituted for a perfectly organized and legal system of relief. He would call to the attention of the right hon. Baronet the state of things in Belgium, which was a Catholic country, where they had a system of organized relief, which did secure to the starving man relief in destitution, and which he believed had also the effect of increasing the cultivation of land and the development of industry to an extraordinary degree, and of repressing that spirit of turbulence which prevailed so strongly in Ireland. He now came to the third object which, as he contended, a Poor Law ought to have in view—namely, as a measure of justice and policy to give to every inhabitant of the land some means of subsistence, and to take from him, therefore, the plea of destitution and want as an excuse for crime. Not giving the right of relief, they left the poor of Ireland with that plea for the commission of crime, in order to secure themselves in existence. The only way to put a step to these outrages, for which Coercion Bills were but a temporary remedy, was to give a right to a maintenance upon the land of their birth and of their forefathers, and so to take from them the plea of the necessity of combining together against the law. That course he urged in 1834 in connexion with this subject. In that year he printed a small publication under the title of *How is Ireland to be Governed?* and it contained this passage:—

> "Does the law, then, protect the Irish peasant? Not from starvation! It does not protect him from being thrust out from his home and little holding into absolute destitution, to perish on the highways of famine, or to waste away in those abodes of filth, misery, and disease, in the suburbs of the towns, which Dr. Doyle so faithfully describes as the ordinary refuge and dying-place of the ejected cottier and his family. It does not protect him from being visited by this fate at the command of an absentee landlord, who may desire to clear his property of some of the human incumbrances whom God has brought into being upon it. The law affords the Irish peasant no protection from so horrible a fate. Hundreds are at present exposed to it. Millions know that they are liable to it. Can the law justly require their allegiance? Can we expect them willingly to pay it? No, the peasantry of Ireland feel that the law places their lives at the mercy of the few, whom it invests with sovereign power over the land of their native country—with power to sweep them at will off its surface."

That language was justified by facts, and in attempting to prove those facts he was only embarrassed by a multiplicity of proofs. But he would take the assertion of a gentleman who, in 1834, was employed by the Government as the Secretary to the Poor Law Commission, and who

had, perhaps more than any other man, an opportunity of forming a correct judgment of the case; for, during the two years of the Commissioners' inquiry, he had to travel over Ireland to obtain evidence, and to make an abstract of the proceedings of the Commissioners. That gentleman, Mr. Revans, said that nine-tenths of the outrages to property and violence to persons in Ireland were produced by the want of proper relief for the poor. But he wished, without further quotations, to lay the case broadly before the House, and to call the attention of the Government to facts which it was impossible could be denied. The first fact was this:—There were two systems of law in Ireland: one was the law of the land; but in what light did the Irish peasantry regard it? They hated it, resisted it, and struggled against it, because they felt that it oppressed them. The other law was an agrarian law, which was general throughout Ireland. It was more or less dormant in particular parts—but why? Because it was not resisted by the landlords or by the ministers of law. Evidence given in the year 1834, proved that when the Irish peasant was driven from his land, he had no resource but crime to escape destitution. There was therefore a general feeling among the labouring community to make common cause with those who were ejected, as the only means of preventing ejectments. The Occupation of Land in Ireland Commission distinctly stated, that agrarian outrages prevailed through the whole of Ireland; and this statement was corroborated by the Constabulary Returns of 1844, the latest of which we had possession. It appeared from these returns that there were some agrarian outrages in every county—from five, six, and eight, in the counties of Antrim, Armagh, and Wicklow, to 48 in Clare, 29 in Galway, 67 in King's County, 73 in Limerick, 72 in Leitrim, 93 in Roscommon, and 254 in Tipperary. The right hon. Baronet, on moving the first reading of the Bill for the Protection of Life and Property in Ireland, stated, that outrages were restricted to five counties in Ireland. But he must have meant the increase of outrages, the increase of the per centage of crimes. If it were said that outrages did not prevail throughout Ireland as in Tipperary, or as in the five counties mentioned by the right hon. Baronet, it was because the agrarian law had superseded, to a certain extent, the law of the land, and had fulfilled its duty of protecting the lives of the peasantry. For, he repeated, the law of the land did not protect either the life or property of the Irish peasant, while the agrarian laws, enacted by themselves, did protect, to a considerable extent, both life and property. This was painful to admit; but if he succeeded in proving it, the conclusion was obvious, that until we harmonise the law of the land with the necessities of the peasantry, and protect life and property by legal authority, they would continue the horrible system of agrarian outrage and intimidation, by which they struggle to protect themselves and their families. The law could not be said to afford the Irish peasant protection to life when it refused him relief in his destitution; he therefore resorted to agrarian outrage on the plea of self-defence—the same plea which was the other day put forward by the First Minister of the Crown to palliate the horrible extremities of war. When the Society of Friends petitioned against war, and more especially against war in India, the right hon. Baronet said it was justified by self-protection, and that people could not be expected to stand and have their throats cut, without making some resistance. Could we expect the Irish peasant to lie down in a ditch and starve, even although we brought horse, foot, and dragoons to the scene? And if not, what protection did the law give him? Well, then, if the law did not protect the life of the Irish peasant, did it protect his property? He lived by the occupation of his land, but it was not the practice for the landlord to erect the farming buildings upon it. The property of the Irish peasant consisted, therefore, in the buildings and improvements he had made upon his land. But the law gave him no property in these improvements. It allowed the landlord to sweep him off without compensation. He called attention to the fact, that the tenant-right prevailed over a large extent of country. Wherever it prevailed it gave the tenant the right to recover compensation for improvements, and more than this. In a large portion of Ireland the tenants are practically admitted to a part ownership in the land—are allowed, before quitting their farms, to the extent of five, ten, fifteen, or twenty years' purchase of the value of their holding. The Landlords' and Tenants' Commission had a chapter on these tenant rights, in which they state that in Ulster the value of the right is usually equivalent to ten years' purchase of the value of the holding; and

that in every county in Ireland, with the exception perhaps of Dublin, the practice of admitting a tenant-right more or less prevailed. But did the law protect this right? On the contrary, the law gave the landlord the possession of these improvements; and if he chose to refuse the tenant-right he might call upon the authorities of the county, and they would be compelled to enforce his claims. In a large part of Ireland, the tenant-right being admitted by the landlord, there was comparative freedom from agrarian outrage. But where it was not so admitted, there agrarian outrage prevailed. The dread inspired by those outrages was the only security the tenant had for obtaining the number of years' purchase to which he considered himself entitled. The 10, 15, and 20 years' purchase, was paid, not only by the incoming tenant, but by the landlord himself, when he got possession of the land. In the counties of Armagh, Antrim, and Down, it was well known that outrages would follow the breach of the tenant-right. This was shown by Mr. Senior and Mr. Handcock; the latter of whom said, that the whole power of the Horse Guards could not keep the peace in Ulster if tenant-right were denied. The reason why outrages did not now occur in Ulster was, that there the landlord recognized the tenant-right, and the law authorities gave way to it. There was a horrible case the other night, that would probably be brought before the House, of eviction in the county of Galway. In the Report of the Landlord and Tenants' Commission, from 50 to 60 pages of index were filled with ejectments only, which were followed in many cases by outrage. He did not wish to be understood as justifying or palliating these outrages; but wrong would beget wrong as long as human nature was what it was, and men were in danger of perishing frem starvation and want. It was, he knew, the opinion of lawyers that the right of property was sacred, and the first of all rights. Lord Brougham said the other night, in another place, respecting the landlord's right by law to eject the tenant:—

"Undoubtedly it was the landlord's right to do so if he pleased, and if he abstained he conferred a favour, and was doing an act of kindness. If, on the other hand, he chose to stand on his right, the tenants must be taught by the strong arm of the law that they had no power to oppose or resist. Such was the law of the land, and property would be valueless, and capital would no longer be invested in the cultivation of land, if it were not acknowledged that it was the landlord's undoubted, indefeasible, and most sacred right to deal with his property as he listed."

And again:—

"This happened in consequence of the desire on the part of the landlord to have his land better cultivated, by persons who could bring to that cultivation the advantage of capital and skill. And it certainly would be a great hardship to the landlord in Ireland if he had not the free and entire power, as by law he unquestionably had, to dismiss the small holders," &c.

Thus Lord Brougham expounded the law to be that the landlord had the power of sweeping off the entire population of his estate. Well, that was just his (Mr. P. Scrope's) case, that the landlord could so overstrain the rights of property. But he could oppose to the dictum of Lord Brougham that of a better lawyer and a better man—Justice Blackstone, who enumerated amongst the primary rights and securities of the people of England, the right to support:—

"For," said he, "there is no man so indigent or wretched, but he may demand a supply sufficient for all the necessities of life from the more opulent part of the community."

This right was at the bottom of all law. It was given to the English poor by the law of England, but it was refused to the Irish poor by the Irish law. Contrast in consequence the state of things in this country, where the right was established, with the state of things in Ireland, where it was denied. The case, indeed, was stronger in Ireland than in England, because here a large portion of the rental of the country was derived from the expenditure of capital and labour upon the land, while in Ireland there was the mere land and nothing else. He hoped the House would sanction and establish a measure which recognised, together with the rights of property, the right of the lower orders to a maintenance in the land of their birth. The right hon. Baronet opposite admitted the other night that the two points upon which he was insisting—the unhappy condition of the peasantry, and the state of the law of landlord and tenant in Ireland, were at the foundation of the evils under which that country laboured. This had been known for fifteen years past, and yet no remedy had been devised. The existing system, without the powerful and active interference of the Government and the Legislature, would only continue and aggravate the evils to which he had been directing the attention of the House. The misery and destitution prevailing in Ireland induced crime, and that crime rendered the lives of the

upper classes and the safety of property so insecure, that persons would not invest their capital in improving the land, and hence arose the want of employment. The people of Ireland would continue in their present miserable condition to all eternity unless there was powerful interference on the part of the Legislature to break up the vicious system now existing, and to render the rights of the poor as secure as those of the rich. Much had been said as to rights and duties being reciprocal, and so undoubtedly they were. The rich in Ireland had rights, but they had also duties; and while their rights were enforced with all the power of the law, the performance of their duties was discretionary. But what was the case with respect to the poor? They had rights as well as duties; but while their duties were enforced with all the rigour of the law, backed occasionally by extra-constitutional measures, their rights were left to the discretion of the landlords. How the landlords dealt with the rights of the poor he would not now attempt to inquire. He did not mean for a moment to deny that there were many humane landlords in Ireland, who behaved in a benevolent and considerate manner towards their tenantry; but he complained that the existing law left the tenantry at the mercy of those landlords who chose to adopt a contrary course of conduct. He maintained that the foundation of all improvement in Ireland must be laid by affording security to the lives and property of the poor—by giving them such a right to relief in case of need as would preserve them from starvation. In the Bill which he had introduced, he had copied in a great measure the clauses of the Bill which he had himself introduced on the same subject in 1836. He proposed that the boards of guardians in Ireland should have the power, which they did not now possess, of giving outdoor relief to the destitute poor. Under the present law, when the union workhouses in Ireland were filled, the guardians were prevented from affording relief to the poor, who could not be received into the workhouses, though they might be at the point of starvation, and death might ensue. He proposed that the guardians should have the power to give relief to the able-bodied poor in the shape of work. In this proposition he merely followed the principle of the law of Elizabeth, which had, for so long a period, operated most beneficially, and which, in his opinion, was peculiarly adapted to the condition of Ireland; for outdoor employment afforded to the labouring poor might be rendered effective in developing the resources of that country. There were in Ireland 4,000,000 acres of waste land, which were capable of being reclaimed; and experience had shown that the cost of reclaiming such land would, in many cases, be repaid by the produce of the crops for the two or three first years. There were also in Ireland 12,000,000 or 14,000,000 acres of land under cultivation or in pasture, which according to the opinions of competent judges might be made to produce twice, nay, four times as much as they did at present, by a better system of cultivation employing a great additional extent of labour. There was, therefore, no excuse for saying that Ireland was not capable of maintaining its own poor. One of the Commissioners of the Board of Works had stated that the cultivated lands of Ireland, under a proper system of cultivation would yield a produce five times greater than at present. It might be said that the landlords ought to afford employment to the poor, but they found the landlords did not do so; the Legislature should therefore take steps to compel the employment of the surplus poor—a measure which would promote the improvement of vast tracts of uncultivated and imperfectly cultivated land in Ireland. He therefore asked the House to introduce into the Poor Law some provisions for establishing an organized system of employment for the able-bodied poor. He proposed that this should be done in such manner as might be deemed most advisable by the authorities, by affording employment on extraordinary works, under the Board of Works or the county surveyors, in such a mode as to interfere as little as possible with the ordinary means of support of the labouring population. But he was told that the system of affording outdoor relief and the right of employment to the able-bodied poor would amount to a confiscation of property, and would overwhelm the country with pauperism. He maintained, on the contrary, that the want of such system prevented the proper development of the resources of Ireland; and that for their own sake even it was necessary to apply a Coercion Bill to the landlords of Ireland, rendering the employment of the poor compulsory. So far from the landlords sustaining any loss from the adoption of his (Mr. P. Scrope's) proposal, he was satisfied it would tend to their infinite advantage. The poor of Ireland, whom he thus proposed to

maintain by a system of compulsory relief, were supported by somebody or other now. Who did maintain them? The poor maintained the poor; the destitute were relieved by their neighbours; they went begging from door to door; and they were maintained unproductively. He asked them now to organize a system by which that capital in labour which existed in Ireland might be applied to public works and the reclamation of waste lands, and so be rendered productive. He believed the development of the resources of Ireland which would result from the employment of the able-bodied poor, so far from operating to the disadvantage of the landlords, would materially increase their rentals. The system he advocated had prevailed in England for 250 years, and its advantage had been evidenced in the increased productiveness and agricultural prosperity of the country. If, however, they admitted the right of the poor to relief, it would be necessary, as an adjunct to such a measure, to provide for the prevention of vagrancy and mendicancy. He also considered it desirable that the law of rating should be altered to some extent. The present system of rating electoral divisions operated most unfairly upon particular districts. For instance, if an ejectment took place in an electoral division, where, perhaps, the rate was not more than 1*d.* or 2*d.* in the pound, the poor would resort to a town, probably in another electoral division, which might be subjected to a rate of 2*s.* or 3*s.* in the pound. He would therefore propose that the rate should be made upon the unions, instead of on the electoral districts. He did not mean to deny that other measures, besides that which he was now proposing, might be required for ameliorating the condition of Ireland. The Commission of which Earl Devon was chairman had recommended an alteration of the law of landlord and tenant; but even such a measure would not, in his (Mr. P. Scrope's) opinion, relieve the Legislature from the imperative necessity of introducing for the first time into Ireland the principle of a law which had so long been applied successfully to England: under which the poor man enjoyed the right to live on the soil of his birth, and was secure of relief in the extremity of destitution. He believed that if they applied such measures as this to Ireland, Coercion Bills would scarcely be wanted. He thought that, concurrently with the Coercion Bill, the Government should have introduced measures to remove the causes of those outrages and disorders which that Bill was designed to repress. He hoped there would be no delay in introducing measures for the accomplishment of that object; but he feared that among them he would not find one for effecting the alteration he now proposed in the Irish Poor Law—an alteration which, he believed, would tend most materially to the establishment of peace and order, and the security of life and property in Ireland. To justify the allusions he had made to the disorders unhappily prevalent in that country, he need only read the following extract from the Report of the Land Commission over which Earl Devon presided:—

> "If a tenant is removed, he is looked upon as an injured man, and the decree goes forth for vengeance on the landlord or agent, and upon the man who succeeds to the farm. And at times a large proportion of the neighbourhood look with indifference (sympathy rather, or approval) upon the most atrocious acts of violence, and by screening the criminal abet and encourage the crime. Murders are perpetrated at noon day on the public highway; and whilst the assassin coolly retires, the people look on, and evince no horror at the bloody deed. The whole nature of Christian men appears in such cases to be changed, and the one absorbing feeling as to the possession of land stifles all others, and extinguishes the plainest principles of humanity."

After such an opinion from their own Commissioner, he considered it was the bounden duty of Government to put aside every other measure, in order that they might devote all their energies to the consideration of some efficient measure for the tranquillization of Ireland. What was the testimony of Mr. Revans, Secretary to the Commissioners of the Poor Law in Ireland? Mr. Revans said that if the peasantry had not land, they must beg, steal, or starve; that, to obtain land, they must engage to pay any rent that might be demanded; that, to retain possession, when arrears had accumulated, they were compelled to enter into general combinations in defiance of the laws, and to commit atrocities of the most frightful description, What had been done since that period to improve the state of things? They had passed the Irish Poor Law, which offered a possibility of relief to one per cent. of the population, and now he called upon them to expand that law. The hon. Member concluded by moving the second reading of the Bill.

The question having been put,

Sir J. GRAHAM: I am very sorry that a subject of such great importance should be discussed in so thin a House; but after the speech of the hon. Member who

has just sat down, I feel it my duty, however unwilling I may be to trespass needlessly on the time of the House, to take some notice of the various topics to which the hon. Member has adverted. In the first place, I will frankly say, that I acquit the hon. Member of being actuated by any motive whatever inconsistent with the purest intentions and the most earnest desire to promote the public good; but the hon. Member must excuse me for saying that, considering the present state of Ireland, and the excitement which prevails, I am of opinion that the topics which he has employed, and the manner which he has dwelt on them, greatly tend to aggravate the dangers of the present crisis, and to add fearfully to the difficulties of administering the affairs of that distracted country. The hon. Gentleman says, that he is consistent —that he has introduced these topics on various occasions before—and that the remedies he proposes are remedies to which, in the exercise of his judgment with respect to the affairs of Ireland, he is much attached. It is possible to be a consistent and honest enthusiast, and at the same time a very indiscreet adviser; and it is also possible that enthusiasts may rush in, where experienced statesmen, possessed of the requisite knowledge, and acquainted with the locality, would fear to tread. The great majority of the landlords, and of the representatives of Ireland, who know that country best, have come to a conclusion exactly opposite to that of the hon. Gentleman; and he will excuse me for saying that the Legislature would act wisely in receiving his advice with caution, and in dealing with the subject with that prudence which statesmen of the greatest experience, possessing local knowledge, deem a course preferable to that which the hon. Member would lead the House to pursue. The hon. Member has introduced in one speech, not only the question of relief to the able-bodied in Ireland, but has also brought under our consideration the policy of putting an end to mendicancy in that country. He has also recommended an alteration in the mode of relief, by substituting a union rate for the existing rate, and, more than all, he has dwelt at great length on a topic even more exciting and important—that of the tenure of land in Ireland. On this latter point, the hon. Member has asserted that which, in point of fact, I believe to be grossly inaccurate. He says that agrarian law in that country is generally predominant over the law of the land; and he has referred to a statement I made on Monday last. That statement is directly at variance with the assertion of the hon. Member. So far from its being the fact that agrarian crime is general throughout Ireland, I repeat the statement that I made on that occasion, that throughout Ireland, in the majority of counties, crime is on the decrease within the last twelve months, as compared with antecedent years; and that it is only in five counties that agrarian crime is greatly on the increase. The statement I made rested on figures and reports of indisputable accuracy. The increase of crime is mainly limited to five counties. With respect to the crime of firing into houses in the night time, seven-tenths of that crime have occurred in the five counties I have alluded to, and the remaining three-tenths are distributed through the other twenty-seven counties in Ireland. The hon. Gentleman has said, that by the law in Ireland, as it now exists, there is no protection from actual starvation, and that there is no provision to prevent a man from dying in the streets from want. I meet that assertion by the fact, that I do not believe a case can be adduced of a man dying from starvation in Ireland, not even during the present extensive failure of the ordinary staff of life in that country. This is a proof that it is not, after all, the poverty of Ireland which is the cause of crime in that country. I would remark that robbery, theft, invasions on property for the purpose of taking it, either by force or craft, from the rightful owner, are not crimes prevalent in Ireland. Honesty, amidst great want, is a remarkable characteristic of the Irish people; and I give them credit for the moral character which sustains itself in honesty amidst such great trials. But if there were that extreme want, such as the hon. Gentleman has described in Ireland, it would be impossible for robbery and theft not to be crimes more common than they are. The hon. Gentleman has dwelt on the tenant right which is applicable to Ulster. I admit that right; and when the hon. Gentleman talks of the rights existing in Scotland and England, as compared with Ireland, I say that this is a right enjoyed by the Irish tenantry in large districts, which is not enjoyed by English or Scotch tenants. [Mr. P. Scrope: It is not a legal right.] The hon. Gentleman says that it is not a legal right. I demur to that statement. I deny that it is a right obtained or held by force. On the contrary, it prevails

in that part of Ireland where violence is practised in the smallest degree. It is true that it is not enjoyed under statute law, but it exists under unwritten law as strong as statute law, and partakes of the character of common law. It exists advantageously and peaceably in a portion of Ireland; but I deny the assertion that it was obtained by force or is held by violence in that part of the country where it exists. But then the hon. Gentleman says that the occupation of land in other parts of Ireland is not of a sufficiently firm and certain tenure. Now I must be permitted to say, that in the present condition of Ireland, unguarded words or imprudent expressions dropped in the course of debate in this House may produce effects which those who use them would be the last to desire, and which they would shudder to contemplate. In this point of view, debates on this question in this House may, I fear, be written in letters of blood in Ireland, and may be followed by a sacrifice of life which we should all deplore. I therefore approach the subject with a degree of awe and hesitation which I cannot too strongly express; but I must state that the doctrine urged by the hon. Gentleman appears to me the most dangerous doctrine ever propounded. What is the meaning of the words used by the hon. Gentleman? He appeared to feel their tendency, and himself recoiled from their effect and consequences. If his doctrine meant any thing, it amounted to this, that occupation, whether for a term or from year to year, subject to the payment of rent, and to ejectment for non-payment of such rent, should be converted into a perpetual right, subject, no doubt, though the hon. Gentleman did not say so, to the payment of a quit rent. This is the subversion of all the rights of property: it strikes at the very foundation of the social system; and no revolution, however violent, could do more than convert an occupier into an owner, subject to the payment of quit rent. [Mr. P. SCROPE: I said no such thing.] The hon. Member did not say so; but the inevitable effect, perhaps not intended, of his doctrine with respect to the rights of occupiers in Ireland, as contradistinguished from the rights enjoyed by those possessing the tenant right, did point to an occupation in perpetuity; only he omitted to state that that occupation was to be accompanied by a quit rent. [Mr. SCROPE: I said nothing of the kind. I merely spoke of compensation for improvements.] The hon. Gentleman did not confine his observations to the question of compensation for improvements: he dwelt on the uncertainty of tenure and on the cruelty of ejectment. I approach this subject with fear, only it is necessary that when these observations are made in this House in the presence of those who are painfully responsible for the peace of Ireland, it should not go forth to the public that they were left unanswered and received no check. The observations of the hon. Member are pregnant with danger; for what do they amount to? They amount to this, that because in some few counties in Ireland agrarian outrages exist, therefore a Member of Parliament in this House recommends as a remedy that occupation subject to ejectment should by force of law be converted into a perpetual possession, thereby subverting all the rights of property and the law of the land to an extent which even a successful revolution could not surpass.

MR. P. SCROPE: I wish to be allowed te explain. The right hon. Baronet has totally misrepresented what I said. He is arguing on the assumption that I am desirous of seeing such a right as he has alluded to sanctioned by law; whereas all I urged was, that the tenant right ought to be legalized, or the tenant ought to have some means of obtaining compensation for his improvements.

SIR J. GRAHAM: I listened attentively to the hon. Gentleman, and while he was speaking, I asked the Attorney General whether he could comprehend what the tendency of the hon. Gentleman's argument was? "It surely points," I added, "to give a perpetual right, where a contingent and limited right now exists." That was the impression produced on my mind, and I am afraid, unless I had commented on the point, that this is the impression which would have gone forth. I can only repeat that I think it my duty to express in the strongest possible terms my dissent from any such proposition, whether made directly or indirectly. I will now apply myself to the question more immediately included in the Bill of the hon. Gentleman. Now, I object to the present moment, as being a period most inopportune for the passing of such a Bill as that introduced by the hon. Member. The distress in Ireland is great, and the difficulties of the present moment are urgent. Measures have been taken, partly with the concurrence of Parliament, and partly on

the responsibility of the Executive Government, to overcome these difficulties. The measures taken by Parliament are just coming into operation; and those measures are founded on an opposite assumption to that for which the hon. Gentlemen contends. They are not on the plan of the hon. Member, that the Poor Law guardians by a rate to be levied on property in Ireland should administer relief to the able-bodied. All the measures hitherto taken have been on an opposite assumption, and after the deliberation of the Legislature, so recently as within the last seven years, it was thought on the whole not to be expedient to introduce into Ireland for the first time the claim of the able-bodied to relief. The hon. Gentleman's proposition, therefore, would derange all the provisions hitherto made, would introduce the utmost confusion, and at a juncture like the present it is not prudent to incur the risk of such difficulties, and it is not the moment for discussing, much less for introducing, so serious a change. The hon. Gentleman says that there are 2,300,000 paupers in Ireland; and he adds, "give to them the claim to relief from the land by a rate to be levied on land." Now, all our experience in England would go to show that the land of Ireland would not be sufficient to meet the permanent claim of so overwhelming a description. I doubt the policy too of such a proceeding; it was fully debated in 1837, when the existing law in Ireland was passed. The hon. Gentleman proposes to go further than the Poor Law of England. At the present moment in England, the absolute decision whether relief should be given in or out of the workhouse rests with the board of guardians, and from their decision there is no appeal. There is no power extrinsic of the board of guardians, representing the ratepayers, to compel relief to the most destitute. But the hon. Gentleman goes further, and says that the guardians should not only be authorized, but required, to grant relief. The hon. Gentleman, therefore, in this most important particular, seeks to carry the law in Ireland further than the law in England at the present moment. [Mr. P. Scrope: Magistrates have the power to compel relief in England.] Only *ad interim*. I thought the hon. Gentleman understood the Poor Law of England; but I find that he does not. The hon. Gentleman is mistaken in supposing that magistrates in England have the power of ordering relief. This is a point which has been steadily resisted. They had that power before the Poor Law Amendment Act; but the Amending Act took the power from the magistrates, and vested it in the guardians, allowing the magistrates the qualified power only of granting relief in cases of emergency till the next meeting of the board of guardians. The hon. Gentleman appears also not to have taken into consideration the law of Scotland, which never provided for the able-bodied, even though destitute. In England, the law since the time of Elizabeth had been liable to abuse; and it was necessary to interpose the authority of the Legislature to check this right of relief on the part of the able-bodied. In Scotland, about the same time, a law of relief was admitted, but with greater caution and reservation. In Scotland, at no time, have the able-bodied been entitled to relief. The law of that country came under review last Session, and the question arose, will you introduce, for the first time, into that country, the claim of the able-bodied to relief? And, after much discussion and full deliberation, the question was decided in the negative. And are there no good reasons why it was so decided? Has the moral effect of the existence of that claim in England been found to improve the social habits or feelings of the working classes, as contrasted with the habits and industry of the people of Scotland? My prejudices are in favour of England; but I know that on all these points the working population of Scotland can bear most advantageous comparison with that of England. What would be the effect of admitting the claim to relief of 2,300,000 persons not sick or infirm? Why, of course, among all great bodies of ratepayers, there are persons sustaining themselves and their families with great difficulty by their industry; and if you let in a claim of this description, I fear the inevitable effect will be to swamp that industrious class, and to spread pauperism indefinitely; you will create a state of society so debased and so dependent, that, bad and unhappy as the condition of the working population of Ireland may be, I feel convinced, judging from the highest authorities who have treated the subject, and relying on experience, that a very short time will elapse before that condition will be rendered infinitely worse than it is at present. I admit at once, that property with its rights exists only for the good of the public, and the benefit of the community. But

would the passing of such a measure as this, which would break down the rights of property, and change and transfer the possession of property, be for the public good? I join issue with the hon. Gentleman upon that; I say precisely the reverse. I say, that so far from being for the good of the public, it would tend directly to public danger and to anarchy. This, then, being my opinion, believing it not to be conducive to the public good, my respect for law and for possession and prescription leads me to make a firm and decided stand against such a proposition as that which is now brought forward. With my views and impressions, it is quite impossible for me to consent to the second reading of this Bill. I regard it as a departure from the existing law; pregnant with the worst and most dangerous consequences. My belief is, that the effect would be bad, and that the public impression produced by it would be still worse. Giving the hon. Gentleman full credit for purity of intention, I must say also, that I think the speech with which he has accompanied his measure to-day is, if possible, more dangerous and objectionable than the proposition itself. With these feelings and views, it is my duty to meet the proposition with the most firm and uncompromising opposition. I move, therefore, "that the Bill be read a Second Time this day Six Months."

Mr. W. S. O'BRIEN said, that, speaking not merely in his capacity of an Irish representative, but as an Irish landlord, he felt extremely obliged to his hon. Friend for bringing forward his Motion. When measures for the coercion of the Irish people were being brought forward and pressed on in the House, he thought that they should be accompanied by some measures the tendency of which would be for the good of the people. In replying to his hon. Friend, the right hon. Baronet had said that the tenant-right of Ulster was not obtained or supported by a system of violence. But let the right hon. Gentleman look to the opinion of one of the Government Commissioners, and he would find that the Commissioners had stated that an attempt to interfere with or abolish the tenant-right would convert the county of Down into the condition of the county of Tipperary. It was indisputable that the tenant-right of Ulster existed, and to a certain extent was sustained, not by the law, but by fear; and the Government could, without violating any existing law, lay the foundation of such a right in those districts where it did not exist at present, by giving compensation for their improvements to such tenants as did actually improve their holdings. He did not mean to say that that Bill was a remedy for the present state of things. It was not a remedy for it. The present state of affairs in Ireland was anomalous, and it required an anomalous remedy. The existing scarcity required an immediate supply; and in his opinion a special rate should have been levied—a rate which should have been made payable on all descriptions of property. The right hon. Baronet had introduced at the present juncture a measure which was very unpopular, and something more satisfactory was required as an accompaniment. The Poor Law required amendment. The persons to whom the execution of it had been confided had contrived to come into collision with the people of all classes in every possible manner, rendering it still more unpalatable than it might have otherwise proved. He had himself done all in his power to aid the carrying of its provisions into effect, but to little purpose. The noble Lord near him (Lord John Russell) had, in his opinion, acted most injudiciously in rejecting the advice of the Commission of Inquiry into the condition of Ireland, with a view to the enactment of a Poor Law, which commission had included the Archbishop of Dublin. The noble Lord, to whom they were indebted for the measure, had despised the opinion of those Commissioners, and had thought fit to take, instead, the suggestions of a Commissioner who had spent only six weeks in Ireland, on the subject of refusal of relief to the able-bodied. What was the fact as regarded England? Why, that five-sixths of relief granted was out of door. Now, in England the Poor Law system had been long in force. Why then should they apply the workhouse test to Ireland? Why should they compel that country to adopt the workhouse system, which was most alien to the feelings of the people? It had been established that the cost of supporting paupers in the workhouses was from 1*s.* 9*d.* to 2*s.* 6*d.* a week each, whilst in many parts of Ireland it was well known that 4*s.* or 5*s.* was the most that a labouring man could earn in a week for the support of himself and his family. It was an exorbitant charge to bring upon the ratepayers for the support of the poor, and the poor themselves were disinclined to; and would not accept it unless they were on

the very point of starvation. The consequence was, the sympathies of the people were disposed towards those who preferred begging to entering the workhouse, which would not be the case if out-of-door relief were provided. The persons recommended by the first Commissioners of Inquiry for admission into public institutions, to be provided for there, were the aged, the infirm, the helpless, the sick, orphans, and deserted children. As to the latter class, the workhouses were notoriously the graves of foundlings. Scarcely a single foundling, as appeared by the returns, survived. But for the relief of the able-bodied unemployed, and incapable of finding employment, they should provide employment. And there he should say, that he did not think they had any right to assume that any money raised for the employment of the poor should, of necessity, be mismanaged. He did not see why such an assumption should be taken for granted. He thought that some mode of relief should be provided for those who were willing to work, but were unable to procure it. All the facts went to show that there was an abundant field for employment in Ireland —that there was an immense quantity of public works required—that there were immense tracts of waste land, which, if the landlords would not reclaim or cultivate, the Government ought to say they would take upon themselves to cultivate. There were millions of acres of waste lands in Ireland, and there were millions of the people incapable of finding employment of any description. There was not a Government in all the world that would not, under similar circumstances, feel themselves bound to provide the employment for the people which they so much needed. Amongst other matters recommended to the consideration of the Government had been a system of free emigration. There were many persons who had emigrated to the Colonies and to America, who had there advanced to a state of comfort and independence, to which they never could have attained at home. They had become in a few years proprietors. The right hon. Baronet had objected to the heavy charges to which the landed estates would be made liable by this measure. But if the landlords, who looked to their Irish estates only as a means of obtaining money to spend in London, would, by the weight of taxation, be obliged to think of their estates with a view to the improvement of the condition of their tenantry, he thought the effect would be palpably beneficial. He did not call upon the House to establish the tenant-right at once throughout Ireland, but he did call upon them to provide security for the tenant. He wished to be surrounded by a happy population. The feeling of the Irish people was strongly in favour of the administration of the Poor Laws in a kindly spirit; and yet some, even of the Roman Catholic population—men of the most humane dispositions—had expressed themselves in favour of the Mendicants' Bill, in order to prevent the system of imposture by persons of bad conduct who made a trade of mendicancy, but who were more fitted to be inmates of a penitentiary than a workhouse; and he thought it possible to frame such a measure in a spirit that would not be offensive to the people of Ireland. The union rates, which had been so much objected to on the present occasion, had been introduced by Mr. Nicholl, and had been actually embodied in the first Poor Law Act which had passed that House by a large majority. It had been objected to in the other House, and removed; and upon the return of the Bill to that House no further notice had been taken of it. Upon the whole, he would support the principle of the measure, reserving to himself the right, when the details were under consideration, to suggest further amendments.

Sir J. GRAHAM wished to explain that he had not thought it necessary to discuss, on this occasion, all the points alluded to. He had only said that this Bill proposed four great alterations:—1. To give an absolute right of relief to the able-bodied. 2. To deprive the guardians of all discretion in giving it, requiring them to give it against their judgment. 3. To substitute unions for electoral divisions in giving relief, and levying rates; and, 4. To abolish mendicancy absolutely, and make it criminal in Ireland.

Lord J. RUSSELL: As the hon. Member for Limerick has referred to me upon a point which I think has often been represented not quite fairly, in respect to my conduct with regard to the Report of the Poor Law Commission for Ireland, I wish to observe, that the Commissioners recommended the relief and support, within the walls of public institutions, of lunatics, cripples, and sick poor; and they also recommended provision for emigration, and for the relief of the aged and infirm, of orphans and deserted children, vagrants, widows with young children, the families

of sick persons, and casual destitution; and so far as the relief to be given in public institutions was concerned, I was ready to adopt the Report of those Commissioners. But with regard to two points—namely, the relief of indigent persons at their own homes, and forming depots for emigration, I had the most serious doubts. I did not think it was advisable to introduce a Bill which, in my opinion, would inflict an evil upon Ireland, without further inquiry and consideration. Now, it is to be recollected, that although these Commissioners were very good judges with regard to the state of Ireland as it then was, and with regard to what they knew of its wants, they were not equally good judges with respect to a system of outdoor relief: a system of outdoor relief having never been established in Ireland, I think it was not likely that they, having no experience on that subject, should be able to tell all the evils of that system. For the purpose, however, of further consideration, and with the view of seeing whether my objections were supported by others, I asked the opinion especially of two gentlemen,—viz., Mr. Senior, who had been one of the members of the Commission of Inquiry in England, and Mr. George Cornewall Lewis, one of the Poor Law Commissioners of England, who had paid great attention to the subject which is now under consideration. I ask those Gentlemen who say I neglected the whole of the Report of the Commissioners, and threw them out of sight in behalf of the recommendations of Mr. Nicholl—I ask them to consider, and, if they are able to answer, the reasons which these two gentlemen I have named gave against adopting the Report of the Commissioners, viz. :—

"Mr. Senior stated, with respect to the proposal for giving relief to indigent persons at their own homes, partly by private contributions and partly by a national rate, would introduce all the abuses of the old English Poor Law, and many others in addition. Mr. Lewis had similar objections, and showed that it would be a great injury to the property of Ireland, while the relief would not be confined to the indigent poor alone."

He showed that in many instances the law of England had been abused; and he thought those abuses would be still greater in Ireland. Mr. Lewis also pointed out the dangers that would attend the establishment of depots for emigrants. He showed that people would come to them, on the ground that they were ready to go out as emigrants; but when the time came for doing so, when the ship was ready for sailing, they would probably say that now they had changed their minds, and were not ready to emigrate. If, in such circumstances, these people were held bound by their first intention, you would then incur the reproach that you were actually transporting those persons, instead of encouraging voluntary emigration. And if, on the other hand, you allowed them to remain in the house, you would, in another form, establish workhouses, without the proper rules and regulations that belonged to them, and that, therefore, it was better to establish workhouses at once with the regulations necessary for their government. These reasons appeared to me decisive, and I would have proceeded to introduce a Bill in the terms of the present Poor Law of Ireland; but I thought it better to get still additional information, and I asked Mr. Nicholl, one of the Poor Law Commissioners, to go to Ireland, and see if his observations there had led him to the same conclusions as myself and those gentlemen I had consulted. Mr. Nicholl made his report accordingly. I do not say that the Poor Law was founded on his experience or knowledge of Ireland; but I say it was founded on the Report of the Poor Law Commissioners of Ireland, with the checks I thought it necessary to introduce. It would have been unpardonable in me, with the knowledge I had, that outdoor relief had created great abuse in England, and was certain to produce greater abuses in Ireland, if I should have introduced a Bill establishing that principle, because it was recommended by the Poor Law Commissioners in Ireland. It would have been inconsistent with my public duty to have done so; I must confess that, although the Poor Law then introduced has been subjected to great difficulties—though it cannot be said to have worked satisfactorily in many instances—yet my opinion with regard to the danger of the House sanctioning a Bill for the general administration of outdoor relief is unchanged. I think it would be dangerous to the well-being of the Irish people themselves. When you say there are 2,300,000 poor in Ireland, it does not mean that they are paupers, but that there are 2,300,000 persons who have not that abundance of food and those comforts you would like the subjects of this country to enjoy. I do not think the way to raise the condition of these persons is to give relief from any public fund. I will not go into the other questions that have been ad-

verted to both by the movers of the present Motion, and the Gentleman who has just spoken. They are very important questions—questions of union, rate, of the cultivation of waste lands, &c., which were too important to be discussed on this Bill, and with such an attendance as the House now exhibits. My opinion is, that the course you should pursue towards Ireland as well as towards England, is to endeavour to further and promote the means by which the labourers should be able to acquire an independent subsistence—that everything you can do for that purpose should be done; but that you should not encourage a measure by which the labourers of Ireland and England should be induced to draw their subsistence from public rates; that such relief should be confined, as far as possible, to persons in the utmost state of destitution; and that whether by a workhouse, or otherwise, or by any test that could be discovered, they ought to discriminate between those persons who are so extremely destitute that they must receive relief from public charity, and those persons who are able, one way or other, to earn an independent subsistence for themselves. That is the general principle on which I have acted, and desire to act, and therefore I shall feel it my duty to vote against the second reading of the Bill before the House, at the same time looking to other measures for the relief of Ireland.

The O'CONOR DON concurred in much that had fallen from the hon. Member for Limerick; but, knowing that in every part of Ireland there was the greatest objection even to the comparatively small amount of rates now imposed for the relief of the poor, he felt convinced they would feel the strongest objection to the additional and enormous rate which it was proposed by this Bill to impose upon them for that purpose. The arguments which had been adduced against the Bill were quite sufficient to induce him not to support it; but if the hon. Member for Limerick would bring forward a Bill in accordance with his own views, instead of supporting a Bill from all the details of which he dissented, he for one should be happy to discuss, and, if possible, to give his support to it.

MR. P. BUTLER, from the intimate knowledge he had of Ireland, thought that outdoor relief was much more applicable to that country than to England. The poor were generally supported by the poor in that country, but there were also benevolent institutions, from which great relief was obtained. For example, there were two institutions—one named the Charitable Society, and the other the Benevolent Society—which last week relieved 500 persons in the city of Limerick; while the number of persons relieved by the workhouse, which embraced 22 divisions, was not more than 700. A strong case had been made out for the proposal of the hon. Member for Stroud, that outdoor relief should be given; but he knew sufficient of Ireland to know that the proposition of the hon. Gentleman was perfectly impracticable.

MR. WAKLEY had hoped to find a great number of Irish Members in the House on such an occasion, and to have heard it distinctly stated why it was that the poor of Ireland were to receive different treatment from the poor of England. The right hon. the Home Secretary had decided against giving outdoor relief in Ireland. That was the declaration of an influential Minister of the Crown; and the noble Lord who expected soon to be Minister, was equally opposed to outdoor relief; but here was a county Member for Ireland, well acquainted with the affairs of that country, who mixed with the Irish people, who passed a large portion of his time in Ireland, who was as decisively in favour of the Bill before the House. The hon. Gentleman appeared, at first, to speak doubtingly as to outdoor relief; but at least he gave it as his opinion that it should be established in the sister kingdom. Now, when they had such different courses pursued in legislation, they ought to endeavour to understand from influential persons, who took an interest in this question, what were the precise circumstances that led to the distinction which prevailed in the two countries. They found that in this country Irishmen preferred being sent to an English gaol rather than being sent back to their own country. He had been told this by Irish people themselves, who asserted that their condition would be preferable in a gaol in England, to being sent home to Ireland. Why was it that the same law was not meted to the Irish as to the English poor? They had heard it said, that if it were so, it would amount to a confiscation of property. Now, what was passing in Ireland at that moment? Was there not danger already both to life and property in that country? It seemed to be imagined that by staving off this thing, the evil would be lessened; but he believed the evils of Ire-

land would continue to magnify till they adopted the same course towards the Irish poor which was now in existence in England. A poor man in England being destitute, had a right to relief; in Scotland he had no such right, but destitution gave him the right in England, and that was the right of poverty as contrasted with the right of property. The noble Lord himself had often stated that destitution should be the foundation of the right, and that wherever it existed the right should be enforced. That principle was a good one, and productive of great advantages; and why, he asked, if it was for the advantage of the English labourer, would it not be for the advantage of the Irish labourers? Could Irish Gentlemen be contented to hear it stated in that House that their countrymen preferred being sent to a gaol in this country to being sent back to their own land? That was a statement that should excite a very painful feeling in their minds, and lead them to consider what must be the real state of the poor in their country. He asked Gentlemen who said that the measure he advocated would lead to a confiscation of property in Ireland, what would be the result of the progress of the present state of things in that country? They had millions in a state of destitution; and they had become so destitute that the right hon. Gentleman, the other night, gave them a most striking statement as to the indifference with which they regarded life; they had become reckless with reference to life, and almost reckless with reference to property. And why did they do so? Because they had ceased to have enjoyment of happiness or repose. They were in a state of privation and misery most deplorable, and they looked to that House in the hope of obtaining relief, by seeing adopted towards them the same system of relief which prevailed in this country. Was it not a painful source of thought to see a man who was out of work, destitute and starving, and unable to go into the workhouse, having no redress, no remedy at law, but doomed to perish from want; and yet no individual found responsible for this sacrifice of life. In such circumstances as these he believed that the property of Ireland was in a state of danger. It was maddening and exasperating, in the highest degree, to millions of the people; and no wonder if crime was committed even to a greater extent than had been stated in that House. He believed that these crimes would increase unless they gave to Ireland one remedy—and that was the title to relief in cases of destitution. That was all he asked. Give to the Irish people the same law, in this respect, which they gave to the people of England, and the social condition of the people of Ireland would undergo a great change. The hon. Gentleman concluded by stating his intention to support the Bill introduced by the hon. Member for Stroud.

Lord C. HAMILTON was adverse to going into Committee, because there was so much more in the Bill that he disapproved than the contrary, and he should therefore vote against the second reading.

Mr. FREWEN meant to vote against the second reading because there were so many clauses in the Bill of which he disapproved. In his opinion, the present system of Poor Law in Ireland was such, that the only thing that could be done with it was to repeal the existing Statute, and bring in a new measure. He was decidedly in favour of outdoor relief, and had long been so. The present system of poor relief in Ireland did very little good, as the people would not go into the workhouses.

Mr. P. SCROPE said, he would not give the House the trouble of dividing. His object had been to some extent answered; for the principle of outdoor relief had made some way.

Amendment agreed to.

Bill put off for six months.

House adjourned at a quarter to Six.

HOUSE OF LORDS,

Thursday, April 2, 1846.

Minutes.] Public Bills.—1ª. Burghs (Scotland); Indemnity.

Received the Royal Assent. Mutiny; Marine Mutiny; Out-Pensioners' Services (Chelsea and Greenwich); Out-Pensioners' Payment (Greenwich and Chelsea).

Petitions Presented. By the Earl of Clancarty, from several Persons connected with Medical Institutions in Ireland, for the Better Regulation and more Efficient Support of Medical Charities (Ireland).

THE VICTORIES ON THE SUTLEJ—BATTLES OF ALIWAL AND SOBRAON—VOTE OF THANKS TO THE ARMY.

The Earl of RIPON: I flatter myself, my Lords, that you will pardon me, if, in

the course I am about to take this evening, I do that which is not altogether conformable with the usual practice of your Lordships' House, and proceed to submit to your Lordships a Motion of which I have not previously given notice. My Lords, I am sure you will believe that I could have no desire improperly to deviate from the rules of the House; and still less will you consider that if I propose to add to the Motion of which I have given notice, another of which I have not given notice, I have done so on any notion on my part, or any conception on your Lordships' part, that the splendour of the achievement which I am about to bring under your notice, without previously informing you of it, could possibly dim the original brightness of that glorious achievement to which I shall first refer. But I did think that on an occasion like the present—considering the intimate connection between these two events—between the successes and honours that belong to them—it might seem reasonable and proper that they should be considered together; and that the very fact of your Lordships recording on one and the same day your sentiments in regard to two such bright achievements of war would show, not only to the people of India, but to the whole world, what are the resources, the power, and the energy of this country, and how grateful you are to those who develop them to the world in whatever quarter of it they may be called into action. I trust, therefore, that your Lordships will pardon me for the course I am about to pursue. I will, in the first place, advert to that portion of the subject of which I have given notice, and which refers to the battle of Aliwal. I am, my Lords, very sensible that it does not require any eloquence on my part to inspire your Lordships with those feelings which would naturally arise in contemplating such a display of skill and courage on the part of our army; and it is impossible that any description I can give of the operations of that glorious day could bring them before your Lordships in a manner more clear, precise, and intelligible to the least scientific or the least professional person, as the very account given by the conqueror himself—a specimen, I think, of composition which would do honour to the most literate Member of your Lordships' House. Possessing, therefore, my Lords, this advantage, I am sure I need not trouble you by entering into any detailed description of that which has been already so admirably described, and which must still be vividly present to the minds of your Lordships, who have, no doubt, read the despatches. But I will advert shortly to some of the circumstances which preceded this distinguished action—circumstances, a thorough comprehension of which may perhaps be necessary to demonstrate more particularly the admirable skill and judgment with which, from beginning to end, Sir Henry Smith's operations were conducted. Your Lordships will recollect that when our army first advanced to meet the invasion of the Sikhs, it was deemed necessary, as it was doubtless prudent, to withdraw a great part of our forces which were assembled for the purpose of protecting Loodiana, for the purpose of effecting a combination with that portion of the army which was advancing from Umballah, and thus to proceed to meet the Sikhs at Ferozepore with a larger and more concentrated force. No doubt the effect of that was to leave Loodiana exposed to an attack by any force the Sikhs might have in that quarter; but the chief object was to attack their main army at Ferozepore, and therefore points of secondary importance were unattended to, in order, by every effort, to concentrate a powerful army, and by these combined forces to strike the decisive blow. No sooner, however, had the enemy been driven across the Sutlej, after the battles of the 21st and 22nd of December, and our army placed in a position that was unassailable by the enemy on the opposite side, than it was deemed advisable to strengthen our force at Loodiana, not only to guard against contingencies, but to displace any force of the enemy that might have appeared in that quarter. It was clear, that although it was expected that any force the enemy could collect at Loodiana would not amount to such a number as he had on the lower part of the Sutlej, yet still the position which he occupied on that point would be such as to cause extreme inconvenience by cutting off our communications, by intercepting the arrival of detached reinforcements; and above all, by causing to diverge, if not capturing, the heavy battering train, the arrival of which at the camp of the Commander in Chief was indispensably necessary to enable him to carry on his future operations. It was, therefore, determined to detach a force to Loodiana with the view of effecting that object. Sir H. Smith was selected to command this force; and on or about the 7th of January, I think, various corps had

moved in that direction from our camp near Ferozepore, and other points; and by the 15th of January a large force was assembled there, and was quite prepared against any sudden attack of the enemy. About this time intelligence was received at headquarters to the effect that the enemy had collected a very large force at Phulloor opposite Loodiana—larger than was originally supposed, and was moving across the river, and that it was supposed he would entrench himself in a position between the main body of our army and the reinforcements assembled in the fort. It then became necessary to take further measures to increase our forces, to meet these new circumstances; and according the 53d Regiment of Her Majesty's infantry, which was moving up, was ordered to join Sir H. Smith's division, which was afterwards increased by a body of cavalry, including the 16th Lancers. Sir H. Smith's force was directed to attack a fort called Durrumkote, which interrupted the communication between our position on the Sutlej and Loodiana. Sir H. Smith proceeded to execute this movement; the enemy abandoned the fort immediately, it only requiring a few shots to induce them to surrender; and, as a consequence, some guns and a quantity of grain fell into our hands. The general then advanced in the direction of Loodiana, being in the meantime to be joined by the 53d Regiment and a corps of Native troops, the Shekawattee brigade, which was arriving from another point, and expected to be in that vicinity by the 22nd of January. It was also determined to send to General Smith another division, viz., the brigade under Brigadier Wheeler. On proceeding on his march, the 53d Regiment was found at the point mentioned; the Shekawattee brigade was also advancing according to the calculations which had been made; and he proceeded on the 21st on his march from Jugraon to Loodiana. In the interim the enemy's forces were making a forward movement towards Loodiana, and it was also discovered that they had taken up a position at the village of Buddowal, which was situated on the direct road to Loodiana. That road passes through several villages, all defensible, and by that position the enemy had placed themselves exactly on the line of march between Jugraon and Loodiana. When he arrived at a certain distance from Loodiana, he found them in position, moving in a line parallel to that he had taken. Many a man might have been tempted, by that spirit which belongs to him in common with other British officers, to have availed himself of the opportunity of making an attack on the enemy; but he was too wise to deviate from his instructions, or to lose sight of the object of his march. He was not led away, by the hope of making a successful attack, to deviate from the line prescribed to him, or to forget the important object of concentrating his forces on Loodiana. He therefore, with admirable coolness, moved to the right, leaving the enemy in a position which it was not prudent to assail, but moving onwards in a parallel line towards the point of Loodiana. He had in the meantime communicated to Brigadier Godby that he was advancing, and had directed him to quit the fort of Loodiana to meet him on the road. The enemy endeavoured to intercept him, but he formed his men in such a way as to enable him at once to continue his march, or, if necessary, to wheel up and fight them. The enemy, with great skill, as it appears to me, confined themselves in the first instance to a distant cannonade; they had an excellent road to move upon, but Sir H. Smith was obliged to move the whole of his force through very deep sand, which necessarily impeded his progress and fatigued his troops: but he still adhered resolutely to the object he had in view; and although the enemy was much more numerous than our troops, and strong enough, had they concentrated their whole strength, to have enveloped them, yet he was not dismayed; he went on exactly as he had started, and effected the junction at Loodiana with comparatively trifling loss; although there were some brave men undoubtedly who fell under the effect of the cannonade, and he lost some of the baggage of the rear guard, which, compared with the main object, was a matter of insignificance. He gained his object, and concentrated his force at Loodiana. Whoever looks at the maps of the country will see that, by placing himself in the position in which he did, he was almost in the rear of the enemy's position at Buddowal; and therefore, although he had avoided an action, and sustained comparatively no loss, he had put himself in such a position with regard to the enemy's force that it was almost impossible they could maintain themselves without fighting him in the position of Buddowal. In the meantime Brigadier Wheeler had advanced to join him. He was informed that an action

had been fought on the 21st, in which the British troops had been entirely successful, and that the enemy had been driven back. In consequence of this he proceeded in the direct road from Dhurrumkote to Loodiana. When he had advanced a certain distance he received other intelligence of an opposite tendency, describing an action and defeat; and, therefore, he felt it impossible to push on in that direction; if he had done so, he felt that he might have been compromised, and have fallen into the midst of the enemy's army. He then retired, and took a more circuitous course, in order to join Sir Harry Smith; but this movement, although it originated in erroneous information, brought the heads of his column so far to the position of the right of the enemy, that they, finding themselves with Sir Harry Smith's corps on their left, and Brigadier Wheeler on the right, deemed their position untenable, and decamped in the middle of the night. The position which Sir Harry Smith occupied made it impossible for the enemy to retire at the point at which he had crossed the river; and he was, therefore, obliged to make a longer march to cross at a lower part. On the 26th, Sir Harry Smith was joined by Brigadier Wheeler, and he proceeded to attack them. He had collected a strong force, although considerably inferior, undoubtedly, to that of the enemy, which had been reinforced from time to time, and at the very last had been reinforced by the Avitabile Regiment, which may be assumed to be the flower of the enemy's infantry. His duty and orders were to drive the enemy across the Sutlej. He knew he could do it, and he did it. He proceeded, having made his arrangements, to execute the beautiful manœuvre—if such a phrase is applicable to such a case—which ended in the total defeat and discomfiture of the Sikh army. I cannot think it necessary for me, my Lords, to enter into any detail of the skilful manner in which he arranged the order of his march, and provided, as it appears, against every possible attack that could be made upon him; while the disposition of his own forces was such as to give him every facility for making the attack himself: all these are beyond my praise, and certainly require no explanation or illustration from me. Such, my Lords, was the order of his advance; and no man can read the account which he gives of the commencement of the action, without seeing in his conduct signs of a great master in the art of war. The most perfect coolness and self-possession; no uncertainty, no indecision, no wavering, nothing omitted, no precaution neglected, a reserve where a reserve was necessary, in every part; and all arranged with a degree of beautiful precision and a skill that I believe never were exceeded by the arrangement of the most distinguished commander. He moved on to the attack under a heavy fire; then halted for a few moments—and why did he halt? To see, with the eagle eye of a great captain, whether he could not discover which was the key to the enemy's position; and he found it in the village of Aliwal. He immediately made, under fire of the enemy, such a disposition of his troops as enabled him to force the position; and by forcing that position on the left, he enveloped the wing, and drove it back in confusion on their right. That was what he anticipated, and what he effected. I believe it was one of the most complete operations of the kind that ever was undertaken under fire of the enemy. The success was most complete. Our troops had indeed a gallant enemy to deal with, who were not slow in making their own arrangements, and they withstood them with the greatest courage and fortitude; but nothing could finally withstand the irresistible attack that our gallant soldiers made; and the result, as your Lordships know, was that the enemy was driven helter-skelter over the river, with a loss which must have made them repent having invaded our soil in such an unrighteous cause. In this contest, my Lords, all vied with each other. There seems to have been not one moment of confusion, not a moment of doubt, not a moment of hesitation. It was not the European recovering what might have been lost by the Native; but it was the Native vying with the European in every attack that he was called on to make; and it is one of the most gratifying circumstances in all these transactions to know that these Native troops have shown themselves not inferior to our own; and that they deserve equally well of the country, and equally well with our own countrymen, the approbation and applause of your Lordships. I will not fatigue your Lordships by entering into every detail of this battle; but I will allude to one little circumstance which strikes me as worthy of notice, as exhibiting strongly the spirit with which our troops were animated. Your Lordships may recollect that in Sir Henry Smith's account he states, that Brigadier Cureton's cavalry, when the line of infantry deployed, were on the right

flank. It consisted of Her Majesty's 16th Lancers, of the 5th and 1st Native Cavalry, and the Body Guard. Brigadier Cureton directed a charge to be made in front of the enemy's entrenchments, by two of these regiments, the 16th and the Body Guard. The 1st Regiment of Native Cavalry, which was a weak regiment, was left in reserve, waiting for orders to act. Brigadier Cureton, after the charge of the other regiments, came up to this regiment, and said, "Now, my brave boys, charge the camp." They heard the word, and they did charge the camp; they charged the entrenchment; they got over it; they forced their way through it: the first salute they received was a volley of grape shot. They had the greatest possible difficulties to encounter, because the enemy's tents were so near that there was little or no room for the cavalry to pass or to form. Nevertheless, in spite of all these difficulties they passed on: they saw before them infantry and cavalry whom it was their duty to attack, and they pressed on in spite of these obstacles. There was a young officer in the regiment, of the name of Ellice, the son of a right hon. Gentleman who is very well known, I believe, to some of your Lordships; he headed that attack. He had not joined his regiment for more than a few months; he certainly never saw any fighting of the sort in his life; but Mr. Ellice knew what he had to do, and that his duty was to press on; and in spite of all these obstacles and difficulties he galloped on for the purpose of attacking those whom he saw within the entrenchments. He turned round and found that such had been the difficulties in the way that he had only eight men with him; the rest had been unable to keep up. When he saw that, he saw at the same time a body of the enemy's cavalry before him, and this boy at the head of these eight men charged the cavalry. They did not stand to let him bring his forces to bear against them, but they opened their ranks and afforded him a passage through, firing on them as they passed. This discharge killed four of his eight men, and there he was left alone with four followers. What became of the enemy? They were all driven at last into the river, not by this boy and these few men; but they must have been panic-struck with the gallantry of the attack, and by the pressure that was afterwards made upon them. I mention this incident as an example of the fiery spirit with which the troops were animated, and the thirst of glory with which they were all actuated; of this spirit this incident may be taken as a not unreasonable illustration; and it was with that view that I took the liberty of adverting to it. When such a spirit prevails amongst young and inexperienced men, what may it be expected to produce on those of more mature years, and greater experience and knowledge of the art of war? The trophies of the day, my Lords, were all the cannon that the enemy had brought across the river, all their ammunition, and stores of every kind, that had been accumulated in their camp; and the waves of the Sutlej carried down to the ford of Hurreekee, the *tête de pont* in front of the bridge, and encampment of the Sikh army, the bodies of those men who were drowned in their attempt to escape from the slaughter with which they were threatened. Not long after the fort of Phulloor, on the opposite bank, seems to have been taken by us. The immediate consequence of this victory was, that the Governor General and the Commander-in-Chief felt that the time had now arrived when their task was to be performed. They had received, what was so necessary to them, the division of heavy artillery that was coming up from Delhi. They were themselves posted in such a way as to be unassailable by the enemy, and in just reliance on the courage of their troops, and the skill of the officers who were to act under them, they felt that what they had to do was to drive the enemy across the river. Accordingly orders were immediately sent to Sir Henry Smith, directing him to return with that portion of the force towards the camp from which he had originally been sent. A sufficient number of troops were left in Loodiana to cover that position, and to secure it against the possibility of a renewed attack. Sir Henry Smith arrived on the 8th February, and on his arrival the plan for the attack of the *tête de pont* was determined on by the Commander-in-Chief. And then began the other glorious battle, which I call upon your Lordships to honour with your thanks upon the present occasion. And here, again, I must say that I should be wasting your Lordships' time if I were to attempt to describe that battle. It is described by those who conducted it, who arranged the plan, and who have gained to themselves immortal honour in its execution, in words which will be a far more imperishable memorial than any language that may fall from me, of the noble deeds of that

glorious day. I therefore abstain from weakening the force of the despatch, from a fear of confusing its clearness if I were to attempt to enter upon it; and I leave your Lordships to form your own opinions as to the disposition of the attacks, the skill with which they were made, and the energy and success with which they were crowned. All who were present shared equally in the glory, from the Commander-in-Chief to the Sepoy. They all deserve your Lordships' thanks. But there was a heavy loss sustained upon that occasion—men of great renown, of distinguished services, fell; and whilst we glory in the success of those who survive, we may lament, deeply lament, the fate of those who fell. The Commander-in-Chief mentions, amongst those to whom he was indebted for assistance on that great day, the name of the Governor General; and, my Lords, I know not whether it is generally known, but I am sure it was not known when the first despatch was published, that that gallant officer had, ten days before, met with a very severe accident—a fall from his horse—which for some days incapacitated him from attending at head-quarters. So eager was he to do everything in his power in order to facilitate the Commander-in-Chief in the execution of his plans, that, one night, something having occurred to him which he thought it necessary he should communicate to the Commander-in-Chief, he set off without delay in the middle of the night, and rode to the Commander-in-Chief's head-quarters; and it was on his return from thence that this accident happened. At the time of this battle, although his energies were never broken down, his body was comparatively weak; and they who know what fighting is, and what the feelings of a general must be upon such occasions, will, I think, understand what must have been the feelings of Sir Henry Hardinge when he was obliged go to down to battle in a carriage. In a carriage, however, he went; but when he was there, his carriage was not his post. He mounted his horse, or rather he was lifted upon it, for he could not mount it himself; and there, most probably under bodily suffering of an acute kind, he was ready to assist and to take his share, if he was called on so to do, in rendering those services which have been so nobly and honourably attested by the language of the Commander-in-Chief. The moment the battle was over, Sir Henry Hardinge immediately proceeded to superintend the other part of the plan, which was the passage of the river by two of the divisions at a lower point, to which boats had been brought, and where a bridge had been constructed. The boats were brought up the Indus, and were used for the purpose of passing over the whole of our army after this success had been won. Accordingly the army was moved over that very night. Two divisions of infantry and a portion of the cavalry were moved over in the course of that night. The whole of the remainder of the army was moved over in the course of the following days, and they immediately advanced on the road to Lahore, to a place called Kussoor, which was a strong and defensive position, if the enemy had been in any condition to defend it. They were not; for the losses they had sustained had demoralised their army, and deprived them of all means of active movement. The remainder of the march of the Commander-in-Chief to within sixteen miles of Lahore, from whence the last despatch is dated, was made without the smallest obstacle, or even the appearance of an enemy. This, my Lords, closes the scene, up to the period of the last despatch. I forbear, as it is my duty to do, from noticing many things with respect to that which your Lordships now know to be the nature of the terms proposed between the Governor General and the Court of Lahore. That might involve political considerations, into which it is not for me to enter on the present occasion. Whatever my opinions and feelings may be, all I call on your Lordships now to do is to testify, by what I am sure will be the unanimous sense of the House, the high esteem in which you hold those gallant men who have fought so bravely in the service of their country. When your Lordships feel how much is due to the Governor General, and the responsibility that was thrown upon him—and give me leave to say that those who are not thoroughly aware of the nature of that responsibility cannot adequately appreciate it, but those who are ignorant of it may learn the weight of it by perusing the letters which are on the Table of the House—they will then fully acknowledge the energy, the activity of mind which characterized him in providing for every contingency that might arise, so as to enable him to meet it with effect. I could, my Lords, produce many of those letters of the description referred to, which would show the comprehensive view of the Governor General's mind in providing for

these operations, and which, I think, may be taken as a fair parallel to the similar correspondence of Napoleon, or to that of the illustrious commander who now sits near me (the Duke of Wellington), under whom he had once served, and which in every line exhibit that clear and distinct understanding which is one of his characteristics. It was in that school, too, that Sir Hugh Gough had learned fighting. That gallant Officer had at a former period shared, in a humbler sphere—for I do not know that he had arrived at the rank of general when he served with the illustrious Duke—in the glories of the Peninsula. It was, however, no doubt true that Sir H. Gough had there learned a lesson under the same master—the greatest master in the art of war. It must indeed afford matter of gratification to the feelings of that illustrious Commander to find that those who have served under him, even in inferior capacities, and have taken their lessons of war from his precepts and example, come, in after times, to serve their country in great and responsible commands, and by fresh achievements of their own, add to his claims on the admiration of his countrymen, and thus come to be looked upon as noble inheritors of the fame which he has left them, but which, thank God! he yet lives to enjoy. [*Loud cheers.*] The victories we now propose to commemorate have been achieved in that same hemisphere where the noble Duke's career commenced—where he first displayed those great qualities which will rank him among his countrymen—ay, and among the enemies of this country—as one of the greatest names that have adorned the annals of history. I will not, my Lords, waste your time any longer in descanting further upon the subject of our recent exploits, but will proceed to read the Motions with which I propose to conclude my observations. The first Motion I mean to introduce to your notice relates to the battle of Aliwal, and the other to the battle of Sobraon. I feel that there is some apology due from me, because I have not taken on myself to specify the acts of those whose names are recorded in those despatches, and whom, I am aware, you are fully entitled to honour. I can hardly say I feel that I have occupied too much of your time in speaking upon this subject; but I am induced to abstain from making further observations on the conduct of those other gallant officers who have behaved so gloriously, from the consciousness that I shall be followed by noble Lords who are so much better qualified to do justice to their merits. I felt that I could not have done justice to them. It only remains, then, for me to move—

"That the Thanks of this House be given to Major General Sir Henry George Smith, Knight Commander of the Most Honourable Military Order of the Bath, for his skilful and meritorious Conduct when in Command of the British Troops employed against a large Portion of the Sikh Army of greatly superior Numbers, and for the signal Valour and Judgment displayed by him in the Battle of the 28th of January 1846, when the Enemy's Force was totally defeated, and a new Lustre added to the Reputation of the British Arms.

"That the Thanks of this House be given to the several Officers, European and Native, under the Command of Sir Henry Smith, for the distinguished Services rendered by them at the Battle of Aliwal.

"That this House doth highly approve of and commend the Intrepidity and exemplary Discipline displayed by the Non-commissioned Officers and Private Soldiers, European and Native, on the 28th of January 1846, in their Attack on the Enemy's Position, by which the Sikhs were completely routed and driven in Confusion across the Sutlej, with the Loss of all their Artillery and Military Equipment; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant Behaviour.

"That in requesting the Governor General of India to communicate these Resolutions to the several Officers referred to therein, this House desires to acknowledge the Zeal and Judgment evinced by The Right Honourable Lieutenant General Sir Henry Hardinge, Knight Grand Cross of the Order of the Bath, Governor General of India, and also by General Sir Hugh Gough, Baronet, Knight Grand Cross of the Order of the Bath, Commander in Chief of the Forces in India, in supplying Major General Sir Henry Smith with such Reinforcements and Military Means as enabled him, under Divine Providence, to overcome all the Obstacles thrown in his Way by a brave and determined Enemy.

"That the Thanks of this House be given to The Right Honourable Lieutenant General Sir Henry Hardinge, Knight Grand Cross of the Most Honourable Military Order of the Bath, Governor General of India, for the Judgment, Energy, and Ability with which the Resources of the British Empire in India have been applied in repelling the unjust and unprovoked Invasion of the British Territory by the Sikh Nation; and for the Valour and indefatigable Exertions which he displayed on the 10th of February 1846, at the Battle of Sobraon, when, by the Blessing of Almighty God, which we desire most humbly to acknowledge, this hostile and treacherous Invasion was successfully defeated.

"That the Thanks of this House be given to General Sir Hugh Gough, Baronet, Knight Grand Cross of the Most Honourable Military Order of the Bath, Commander in Chief of the Forces in India, for the signal Ability and Valour with which, upon the 10th of February 1846, he directed and led the Attack, when the Enemy's Entrenchments were stormed, their Artillery captured, their Army defeated and scattered, and the Punjab laid open to the Advance of our victorious Troops.

"That the Thanks of this House be given to Major General Sir Henry George Smith, Knight

Commander of the Most Honourable Military Order of the Bath; Major General Walter Raleigh Gilbert; and Major General Sir Joseph Thackwell, Knight Commander of the Most Honourable Military Order of the Bath; and to the other Officers, European and Native, for the distinguished Services rendered by them in the eminently successful Operations at the Battle of Sobraon.

"That this House doth highly approve of, and commend the invincible Intrepidity, Perseverance, and steady Discipline displayed by the Non-commissioned Officers and Private Soldiers, European and Native, on the 10th of February 1849, by which the Glory of the British Arms has been successfully maintained against a determined and greatly superior Force; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant behaviour."

The EARL of AUCKLAND said: I am requested by my noble Friend the Marquess of Lansdowne to express his regret at his inability to be present this evening, and to take a part in this discussion. Had he been here, I have no doubt he would have felt himself called upon to give his warm support to the Motion of the noble Lord opposite. In the absence of the noble Marquess, I venture to offer myself to your Lordships' attention, for the purpose of seconding the Motion which has just been read by my noble Friend. I do so with great reluctance. I feel how ill I can supply the place of my absent Friend, and how incapable I am of doing justice to the subject. But I take the deepest interest in it; and I feel that no deficiency of expression on my part can take anything from that intense and universal feeling of admiration and gratitude which is felt in this House and throughout the country towards our army in India, for the wonderful successes which they have recently achieved. [*Cheers.*] It cannot be necessary for me to do more than refer to those clear and distinct despatches which have been laid upon the Table of the House, or, after the full and eloquent description which has been given of the recent exploits of our army in India by my noble Friend opposite, to enter into any details connected with those operations. The admirable despatch of Sir H. Smith, of the 30th of January, is sufficient to show the whole operations of the British troops at the battle of Aliwal. We see in that despatch how well the reinforcements had been prepared by the Governor General and Commander in Chief; we see what a fixed determination of purpose characterized the conduct of Sir H. Smith; how under circumstances of great provocation and danger he persevered in movements necessary for the collection of his forces; and how he awaited the proper time for interference and action. We also see described the orderly array of battle with which the forces under his command entered into the field. The contest at Ferozeshah was, no doubt, severer and more fearful. In that battle the enemy, vastly superior in numbers, had the advantage of fortified entrenchments. At Aliwal, with the same disproportion of numbers, the field was fair and open; and brave as was the resistance of the enemy, success was not for a moment doubtful. Our troops conducted themselves as they always do conduct themselves; and I rejoice for them that they have gained this additional title to our gratitude. But I rejoice also on account of Sir H. Smith, towards whom, from long and intimate acquaintance, I have learnt to bear the greatest respect and regard. He has by his conduct in this battle superadded to the fair fame, acquired in many a hard-fought field, of a brave and excellent soldier, the high character of a skilful and consummate commander; and I would not omit to point out to the attention of your Lordships the care which, under his directions, was after the battle taken of the wounded, and the protection and shelter which were afforded to them. In conferring this vote of thanks, I would have your Lordships consider the importance of the victories that have been obtained; for not only was the division of the Sikh army which Sir H. Smith encountered destroyed, but the way was prepared for their final defeat. One detachment of the army of Sir H. Smith was the first to invade the territory of the Sikhs, under Brigadier Wheeler; and he himself was ready to take a part in that great and glorious battle which concluded the operations. Of this latter battle, I will not further occupy your Lordships' time by reminding you of the exploits there exhibited, after the description that has been given of it by my noble Friend, than to observe, that it was well directed, well contested, and bravely won; and I rejoice for Sir Hugh Gough that one who has rendered so many important services to his country should have been present to direct these operations. Before I sit down, I shall be glad to point out one or two minor circumstances which, at the present moment, I think of much interest. We have been in the habit of praising our European soldiers, who, no doubt, deserve all our thanks for the manner in which they executed their difficult duties in the battles in which they were engaged. [*Cheers.*]

They have never failed to exhibit their high and soldierlike qualities in every service in which they were employed. [*Cheers.*] We have also been in the habit of praising the Sepoy troops—led as they are on these occasions by European officers; and they also, in these battles, have confirmed the character they have long sustained. It may not be, however, generally known that part of the force under Sir H. Smith was almost exclusively composed of natives. The regiments of irregular cavalry—the Shekawattee brigade, the Nusseeree and Sirmoor battalions—have indeed a European commander, second in command, and adjutant; but every other officer, as well as every soldier in the force, is native Indian. The Shekawattee brigade has not even an European commander. It was raised, equipped, and disciplined by Major Forster, than whom the Company has no braver or more excellent officer. He is a native, the son of a European father, and does not even bear a commission in our service; the brigade consists of artillery, cavalry, and infantry, and took a chief part in the conflict. These irregular corps were ranged in line with our European corps and the regular Sepoys. They are described as contending with these for the front; and, having taken a full share in the struggle, they bore away a fair share of the trophies, and they are entitled to a fair share of the praise. They showed themselves not daunted by loss. The Nusseeree corps of not more than 640 men, in the two battles, lost upwards of 140, in killed and wounded, and to the end were forward in the onset. I am also anxious to draw attention to the services of another body. After the battle of Ferozeshah, an unfavourable opinion prevailed as to the equipment of the Bengal Artillery, and various discussions have arisen as to whether it is not of lighter calibre than it ought to be. Opinions were expressed on the one hand in favour of the celerity and facility of movement which attended the use of the light gun; and other opinions were expressed in favour of a heavier gun. On these points I can give no opinion; but, assuredly, opposed as this artillery was against the artillery of the Sikhs in entrenchments at Ferozeshah, it was not in its proper place, and success could not be expected. But if your Lordships ever had any doubt as to the efficiency of this branch of the Indian army, I beseech you to read the despatch of Sir H. Smith, in which you will see it stated that this artillery, in its proper place on the plains of Aliwal, was at all times ready to disperse masses of the enemy wherever they were collected; that it ensured the defeat, and was forward in the pursuit of the enemy, and was ready to cross the river had such a movement been necessary. [*Cheers.*] Sir H. Smith closes his eulogium on them by saying, "Our guns and gunners, officers and men, may be equalled, but cannot be excelled, by any artillery in the world." I leave others to make their own observations on the great events which have lately occurred in the East. And yet these events may, after all, be summed up in a few words. An attack was made upon the British territories by an army better equipped and more numerous in amount than the British; I might say, they were almost better directed than any army which the British Government in India has ever before had to contend against. Its movements, however, were marked by treachery and a breach of honour. The British Government was in some degree taken by surprise, and the preparations were not, consequently, as advanced as they might have wished. Notwithstanding these circumstances, in the space of seven weeks there had been four fiercely contested battles fought, and four victories obtained; the strength of the Sikh army had been dispersed and annihilated, and for the apprehension of danger security has been substituted. The British Government in India stands now on a pinnacle of glory and in a position of security such as it has scarcely ever before enjoyed. Further, it has been in the power of the Indian Government, with a just sense of honour and its own dignity, and with a due regard to the vast Empire which is committed to its care, to impose upon the offending Power such terms as the circumstances of the case demanded. Of the exact nature of those terms we are not as yet so precisely informed as to come to any clear opinion upon them; but we may well rest with confidence on the forbearance, and wisdom, and justice of Sir Henry Hardinge. I am glad, therefore, on my own part, as well as on that of my noble Friend who is absent, and of my noble Friends near me, to express our cordial concurrence in the Motion brought forward by the noble Earl opposite. There is one other point upon which I wish to touch before concluding—namely, the loss of so many of our brave men which has accompanied those great successes. I deeply lament this loss; nevertheless, we must bear this consolation in mind, that if the measures of the Governor General and the Commander in Chief had not been prompt, energetic, and suc-

cessful, we might have been engaged in a protracted warfare—we might have had to encounter, not the enemy only, but the hot and rainy seasons, and have sustained even a heavier loss than that which we have incurred. [*Loud cheers.*]

The Duke of WELLINGTON: My Lords, I certainly lament the absence of the noble Marquess who spoke on a similar subject about a month ago, and who on that occasion so eloquently applauded the conduct of the army. I should have been delighted to hear his eloquent applause of the operations which my noble Friend has brought under your Lordships' attention. But, my Lords, I must say, I am consoled for the absence even of the noble Marquess by the statement of my noble Friend opposite. My noble Friend has stated that the vote of your Lordships will be unanimous, and thus it will correspond with the universal feeling of satisfaction which prevails throughout the country. It is unnecessary for me—and in this respect I shall follow the example of my noble Friend—it is unnecessary for me, at the same time that I pronounce my warmest applause of the actions in which the army has been engaged, to enter on any particular detail on the subject of those actions. But I wish just to remind your Lordships generally of the course of these events. My Lords, the campaign commenced under extraordinary circumstances. The Governor General had purposely avoided giving any cause of uneasiness to the Sikh Government. He was anxious, to a degree, to prevent collision with that Government. He wished to preserve it; and in conformity with the policy of the British Government, which was that it should remain in strength, he took measures for the preservation of peace by forming an additional barrier against invasion on the north-west frontier. He was aware of the irregularities of the Sikh army, of the uneasiness it gave, and of the anxiety of the Government that measures should be adopted in order to restore discipline; but he hoped, by giving no cause for uneasiness to that Government, that he would prevent the collision he was so anxious to avoid. With this view he did no more than provide for the security of the most prominent points on the frontier, Ferozepore and Loodiana. He had, besides, a reserve at Umballah, just sufficient to defend the positions which he intended to preserve in case they should be attacked. Under these circumstances, this great attack was made, and your Lordships have already pronounced your opinions upon the first operations which took place in consequence of the invasion. The operations which my noble Friend has detailed as regards Loodiana, were taken in order to strengthen our position, and open communication with Ferozepore. Battles were fought on the 18th of December, and on the night of the 21st and morning of the 22nd; and the enemy was obliged to recross the Sutlej. A position was then taken on the Sutlej, and war having been commenced by the Sikhs, arrangements were made to enable the Commander-in-Chief to carry on military operations with energy, and with eventual success and honour. Troops were ordered from the rear, infantry and artillery, and commenced arriving from an early period in January. An artillery train was ordered up from a distance of 250 miles, before the arrival of which it would have been useless to cross the Sutlej. In the mean time the distant posts on the Sutlej, and especially Loodiana, were threatened. That place was even attacked and the cantonments burnt; and then it was that Sir H. Smith was sent towards Loodiana, taking possession of various posts on his road—Dhurrumkote and others, of which the enemy had taken possession by sending bodies of troops across the Sutlej. I beg your Lordships to observe that when Sir H. Smith was sent on the expedition with which he was intrusted he had three objects in view. One was to give security to the posts at Loodiana, which had been already reinforced by the arrival there of Colonel Godby. Another object was to secure our communication with the rear by Busseean, a point of great importance to the communication between Ferozepore and Loodiana in the front line, and between Ferozepore and Delhi in the rear, the point from which the heavy train and the means of carrying on the siege and the ultimate operations of the war were to come, and which must have passed within between twenty and thirty miles of the enemy, while the main body of the army at Ferozepore was at a distance of not less than fifty miles. These were the points to secure which Sir H. Smith had been detached from the army. My Lords, he immediately directed his attention to Loodiana. He marched on Loodiana, first endeavouring to effect a communication with Brigadier Godby. I must, however, here observe to you, my Lords, having myself carried on operations in that country, that one of the greatest

difficulties of those operations consists in securing the communications between different bodies of troops engaged in conjoint operations on account of the clouds of light troops that attend all the native armies. Communication under such circumstances is hardly possible by any means except with strong bodies of troops. In this instance, owing to these circumstances, the communication failed, and Sir H. Smith was under the necessity of marching within reach of the intrenched camp occupied by the enemy. He knew that he must effect the objects he had in view, namely, maintain the communication with Loodiana; and it was under these circumstances that his baggage was carried away by the enemy, who came out from his intrenched camp. My Lords, I thought it necessary to make these remarks with regard to the difficulty of keeping up communications in that country, because the loss of this baggage was the only check that the gallant officer met with during his operations; and in fact, the loss of this baggage, trifling as it is, is the only misfortune which has happened during the whole of the operations which have taken place in that part of the country. But this loss of baggage has been written up as a great misfortune, when in point of fact it could not be otherwise than as it was. Sir H. Smith was obliged to march within sight of that intrenched camp which the main body of the enemy had left, which gave their light troops the opportunity of cutting off his baggage. Well then, my Lords, Sir H. Smith arrived at Loodiana. My noble Friend has described his operations, the circumstances attending his conduct, and his seizure of the enemy's intrenched camp at the very moment they had abandoned it, having retired in consequence of the presence of the force commanded by Brigadier Wheeler, who had been sent from the main army to reinforce him and enable him the better to contend with the immense force to which he was opposed. I beg your Lordships to observe that Sir H. Smith had not only to secure his communication with Loodiana, but likewise his junction with Brigadier Wheeler, who alone was not able to stand against the enemy. He performed all these objects, and having been joined by Brigadier Wheeler, he then moved on to attack that new position which the enemy had taken up near the river. My Lords, I will say with regard to the movements of Sir H. Smith, that I have read the accounts of many battles; but I never read an account of an affair in which more ability, energy, and discretion were manifested than in this case, of one in which any officer has ever shown himself more capable than this officer did of commanding troops in the field. Every description of troops was brought to bear with all arms in the position in which they were most capable of rendering service; everything was carried on most perfectly—the nicest manœuvres being performed under the enemy's fire with the utmost precision; nor, my Lords, have I read of any battle, in any part of the world, in which at the same time energy and gallantry on the part of the troops were displayed to a degree that surpassed that exhibited in this engagement. [*Cheers.*] I must say of this officer that I never saw any case of ability manifested more clearly than in this; it has been shown that Sir H. Smith is an officer capable of rendering the most important services, and of ultimately being an honour to this country. My Lords, before I conclude I must advert to a particular corps, composed of Rajpoots, one of the principal castes of India, and commanded by a father and three sons. It is impossible that any corps whatever, however formed and organized, could have rendered more services, or have conducted itself better than that corps did on this occasion. I also quite concur, my Lords, with my noble Friend in what he said as to the Bengal Artillery. Really we must not notice reports and observations made by a parcel of ignorant persons. Mistakes and false movements may be made on every occasion; but see what this corps did. How did they behave on all occasions? And how in this very action? My Lords, the Bengal Artillery is one of the most scientific corps in that arm which exists in any part of the world. It is composed of men, not natives, but like ourselves, Englishmen; and, rely on it, whenever they are opposed to an enemy they will conduct themselves as they have ever conducted themselves, as Englishmen ever do, and as becomes their country. They behaved admirably on this occasion; and it is quite clear that they must have been very severely engaged against odds vastly superior in guns. My Lords, I must once more refer to Sir H. Smith. After having performed the feat I have described, he set out on his return to join the army. He arrived there on the 7th. [A noble LORD: On the 8th.] Well, on the 7th or the 8th, the battle having been fought on the

28th previously. At that time, my Lords, nearly on the same day the heavy train for siege reached the army, and then a plan was formed for the attack of the great position from which the enemy had been engaged in intrenching from the 22nd of December to that time, nearly six weeks. Not only was that position strongly intrenched, armed with ordnance of the largest calibre, on the left bank of the Sutlej; but, my Lords, the right bank also was intrenched, so that when the intrenchments on the left bank should be carried, the assailants would become exposed to the fire from the intrenchments on the right bank; therefore the attack on this position was no small affair. Preparations were made for it, and all the arrangements adopted to secure its success that such men as Sir Hugh Gough and Sir Henry Hardinge were able to make. First, the heavy artillery brought up to the army for the purpose I have described was brought to the ground, and placed in such positions as in some degree to get the better of the fire of the enemy's intrenchments. Under the protection of their fire and that of the field artillery attached to the army the attack was made, and, as it is so clearly stated in the despatch of the Commander-in-Chief, the enemy was entirely defeated. It is impossible to read these accounts without perceiving what was the gallantry of our troops, and admiring the manner in which they were directed and led by our officers. [*Cheers.*] My Lords, we have to lament the loss of some men highly distinguished, who, if they had lived, would have been an honour to their country; but, my Lords, in considering the services that have been rendered, I think it is wonderful that the loss has been so small. I can only account for it when I see the energy, activity, and gallantry with which the attack was made; the regularity and order of the plan; and the energy, activity, and precision with which it was carried into execution. My Lords, the result of these operations has been to enable this army, in a very short space of time—under two months from the period of the invasion—to pass this great river, probably one of the most difficult in the world to pass, followed by a train of battering artillery, which will probably enable the Governor General to bring this contest to a conclusion on honourable terms in a short space of time. My Lords, in conclusion, I must say, that never was there an army which deserved more highly the approbation of your Lordships; and I sincerely trust you will agree in the Motion of my noble Friend, and that your vote will be unanimous. [*Cheers.*]

LORD COLCHESTER did not rise in the slightest degree to impede the unanimity of their Lordships' decision. He rose merely to express a wish and a hope that those who had fallen in these engagements, and who were now beyond the reach of their Lordships' praise, would not be forgotten. He referred, among others, to Major General Sir Robert Dick, to Brigadier Taylor, and Captain Fisher. Nor need he remind their Lordships that the same tribute was due to Sir Robert Sale. He only mentioned this in hope that while thus thinking of the survivors they would remember, at the proper time and place, those who had fallen, and that a tribute would be paid to their memory similar to that which was offered to those who died in the late war.

LORD STRAFFORD: My Lords, I have neither the presumption nor the bad taste to detain your Lordships with my opinion on the merits of the late glorious victories, when you have just heard that of the noble Duke, the first professional authority existing; but I am desirous to bring before you some details which you will all like to hear, as they are so highly creditable to individuals; and, in particular, to one of high rank, whose death in the last action has deprived the country of one of the best, most devoted, and gallant officers that have graced the annals of military service: I mean the late Brigadier General Taylor of the 29th Regiment. When appointed to the command of that corps in India, he was in Canada; and such was his zeal to hasten to his post, that in three consecutive months he was in America, Europe, and Asia. From the period of his joining the regiment of which I have the high honour of being Colonel, I have been in constant and confidential correspondence with that excellent man; and I never knew one more thoroughly devoted in thought and act to the interests of the service of which he was so distinguished an ornament. I have had applications from him to serve others who were under his command; but a single request for any benefit to himself I never had. I knew that his health had suffered: a change of station and relaxation from duty would have been beneficial; but he saw the prospect of hostilities commencing, and no thought for himself could remove him from what he considered his post of duty; even the declining health of his wife and the loss of his chil-

dren could not alter that decision. I heard from great authority, but not from himself, that his conduct in command of the brigade, in which was his own regiment, was conspicuously good. His letter to me respecting it simply stated—

"It was a glorious sight to see the 29th move in line, steady, under a heavy cannonade of nearly 100 guns from the entrenchments. My good brigade major was killed. I had a slight wound; but, thank Heaven, not of sufficient consequence to take me from my command."

My Lords, I heard from others that his wound was not so trivial—it was severe; but they all agree he never left them for a moment. My Lords, I have so many further instances of devoted gallantry of officers, that I cannot ask you for the time and attention requisite for their narration; and I am more inclined to desist, lest from haste or inadvertence I should omit a single one of them. I have often reflected on the heroism of your officers, of which I have been an eye-witness. I have not the power of eloquence sufficient to do them anything like justice; but I do truly think nothing can be more deserving of your admiration. Those who survive the late glorious victories will have the proud gratification of receiving your thanks and the distinction of a medal, which they justly deserve; and I feel sure that the Government and the country will not forget those left behind, dearly and nearly connected with those gallant men who fell upon these occasions. Let all that can be fairly asked be done for the bereaved widows, the parents, and the orphans.

The EARL of RIPON, in reference to what had just been suggested by his noble Friend (Lord Colchester), begged to state that the Government would feel it their duty, with the assistance of Parliament, to testify in the usual and proper manner every posthumous sense of regard for the memory of the deceased officers to whom his observations applied.

The several Resolutions where then put and agreed to, *nem. dis.*

House adjourned.

HOUSE OF COMMONS,

Thursday, April 2, 1846.

MINUTES.] PUBLIC BILLS. — 1ª. Highways; Polling Places (Ireland).

2 Coroners (Ireland).

PETITIONS PRESENTED. By Mr. Cornwall Legh, from Electors of the Northern Division of the County of Chester, alleging Fraudulent Objections to Votes of Electors. —By Mr. Charles Wood, from Inhabitants of Shropham and Watton, for Diminishing the Sale of Intoxicating Liquors on the Lord's Day.—By Sir De Lacy Evans, from Churchwardens and Representative Vestrymen of the Parish of Saint James, Westminster, against the Institution of Night Asylums for the Poor.—By Mr. Ainsworth, from Retail Beersellers of Great and Litle Bolton, for Alteration of Law respecting Exciseable Liquors.—By Mr. Cornwall Legh, from Inhabitants of Congleton and Buglawton, and by Lord John Russell, from Factory Workers in the employ of William Christy and Sons, for Limiting the Hours of Labour of Children and Young Persons employed in Factories to Ten.—By Mr. Charles Wood, from Millowners of Halifax, against the Factories Bill.—By Mr. Joseph Bailey, from Ratepayers of the Parish of St. Alban, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. M. F. F. Berkeley, from John Dyer, Seaman, for Inquiry into the Merchant Seamen's Fund.—By Mr. Sotheron, from Overseers of the Poor of the Parishes of Stratton Saint Margaret and Swindon, for Alteration of the Poor Law.—By Mr. Robert Palmer, from Officers of the Wantage Union, for a Superannuation Fand for Poor Law Officers.—By Mr. Balfour, from Provost, Magistrates, and Council of the Royal Burgh of Haddington, for Alteration of the Prisons (Scotland) Act.—By Sir John Easthope, from Edward Farrell, of the City of Dublin, for Alteration of the Protection of Life (Ireland) Bill.—By Mr. Hawes, from Trustees, Secretary, and Depositors of Saint Clement Danes Savings' Bank, for Alteration of the Savings' Banks Act.—By Mr. Ord, from Inhabitants of Middlesbrough on Tees and Newcastle upon Tyne, against War, and for referring Disputes to Arbitration.

VICTORY OF ALIWAL.

SIR R. PEEL spoke as follows: I am enabled, I will not say through the courtesy, but the public spirit and generous feeling of many Members who had Motions entitled to precedence over mine, to bring forward that of which I gave notice immediately on the receipt of the intelligence of our recent successes in India. That Motion, interposed as it is between discussions of great political importance, leading to much eager and even angry controversy, and to serious differences of opinion, will, I know from past experience, obtain the hearty and unanimous concurrence of this House. That Motion will unite the representatives of a great Empire, proud of its military glory, in acknowledging in the first place the protecting hand of Almighty God the giver of all victory, and in then expressing their exultation that new examples of heroism have maintained and exalted the military character of their country. That Motion will enable us to pay a tribute of cordial and grateful acknowledgment to the generals, to the officers, and to the men, who have achieved signal victories in a far distant land. It will enable us also to mingle with the admiration of valour the expression of a manly but heartfelt sorrow for the loss of the "unreturning brave," who have sacrificed, willingly sacrificed, their lives in the defence of their country's interests, and in the maintenance of their country's honour. The Resolutions I shall propose will con-

vey the thanks of this House, for splendid victories achieved within a very limited period, and within a very limited space; but I have felt it my duty not to incorporate our acknowledgments for these triumphs in a single resolution, but to reserve to each triumph the separate recognition so justly due to it. It will have been my good fortune since the month of February, 1843, on five distinct occasions, to propose that the Thanks of the Commons of England should be conveyed to the armies, European and native, engaged in the service of the Crown in India. Including, indeed, the Vote on the glorious termination of the Chinese war, on six different occasions, will the Thanks of this House have been awarded. The repetition of these Votes tends in no degree to dim or disparage their value. National gratitude must keep pace with national glory; and every fresh achievement adds new value to the reward we confer on skill and valour by the public acknowledgment of our gratitude. I intend, therefore, to submit two separate Motions: one, acknowledging the distinguished services of Sir Henry Smith, and of the division of the army under his command, for the battle of Aliwal; and the other, conveying an equal acknowledgment for the glorious services of the army under the immediate command of Sir Hugh Gough. Since the termination of those battles, which have already entitled the Indian army to the thanks of Parliament, (the battles of Moodkee and Ferozeshah,) the enemy with whom we had to contend, has displayed, through a series of operations, great military skill, and that character for undaunted bravery for which they are justly distinguished. Notwithstanding the reverses they met with on the 18th and 21st of December they appeared without delay on the banks of the Sutlej in considerable force, protected by a powerful artillery, near the ford of Hurekee. They established on the right bank of the river a large army, retaining possession of a bridge, over which they passed from the north bank of the Sutlej to the south; they established also a *tête de pont* on the left bank, and entrenched on that bank a force which by constant accessions at last included not less than 35,000 men, supported by about seventy pieces of cannon. The artillery was of beautiful workmanship, and of heavy calibre. Not only did the enemy establish that large army and plant that artillery in the face of the British troops under Sir Hugh Gough, but they despatched a force of not fewer than 20,000 men, conducted with the utmost skill and courage, towards the city of Loodiana, from which our forces had been at first withdrawn in order to assist in the battles of Moodkee and Ferozeshah. They adopted this operation, not merely for the purpose of occupying the city of Loodiana, but for the purpose of threatening to interrupt our communication with Delhi, and to intercept the arrival of our artillery by the road of Bussean. It was in order to prevent the success of this skilful and dangerous enterprise, that Sir Henry Smith was detached by Sir Hugh Gough and Sir Henry Hardinge—greatly weakening the force retained in front of the main body of the Sikh army. It was necessary, however, to do this in order to defeat the formidable body which crossed the river from Philloor in order to intercept our communication, and if possible to transfer the seat of war from the neighbourhood of Ferozepore to Loodiana. It was intended, before Sir Henry Smith attacked the army under the Sikh chief, composed of not less than 24,000 men, supported by about sixty pieces of artillery, that he should effect a junction with the British troops at Loodiana under Major Goldby, and with another body of men sent to reinforce him under Colonel Wheeler. The House is aware that the junction was ultimately effected; and that Sir Henry Smith was strengthened by the addition of the force from Loodiana, and of that under Colonel Wheeler. A desperate action was afterwards fought by the division under Sir Henry Smith, the result of which was the utter discomfiture of the enemy, the capture of all his guns, the disorganization of his whole army, and the flight of that army across the Sutlej after the severest loss. These operations are described with such precision —are detailed with such fulness and beautiful clearness—and must be so familiar to all whom I address, that I will not weaken the effect of their perusal by attempting to go over the same ground. The hand that held the pen, used it with the same success with which it had wielded the sword. I have yet adverted only to the successes of Sir Henry Smith; now I will speak, and speak with confidence, and speak to his honour, of interruptions and checks to that success. There cannot but be vicissitudes in the operations of war; and that man is to be honoured, who recovers from temporary difficulties and disappointments, and thus adds brightness to the glory of his achievements. I wish, therefore, for the purpose of exalting the

merits and services of Sir Henry Smith, to present to the House some occurrences that preceded the battle in which he was so eminently successful—I wish to present, from Reports only recently received, an account of the difficulties and disappointments he encountered with the same spirit and constancy which he displayed in victory; and which, in my opinion, entitle him to equal applause. The great battle of Aliwal was fought on the 28th of January; but earlier in that month Sir Henry Smith had sustained what some might have considered a reverse. I allude to a period before his junction with Colonel Wheeler, and with the five regiments from Loodiana. In the absence of all intelligence he encountered the enemy; and but for his eminent skill and resolute valour, might have been exposed to serious hazard. Let me state in what manner he extricated himself. Writing to Sir Hugh Gough on the 21st, just after he had succeeded in relieving Loodiana, he said that he had accomplished that object, but under circumstances not quite so fortunate as he desired; and he used these expressions:—

"When within a mile and a half to my left of Buddowal, moving parallel with my column (which was right in front ready to wheel into line), and evidently for the purpose of interrupting my advance, I saw the enemy. Nothing could be stronger for the enemy than the continued line of villages which were in his front.

"He was moving by roads, while I was moving over very heavy sandbeds. He was in advance far beyond, on my right flank; so far did he extend, and so numerous did he show his infantry and guns, and so well chosen for him was the line of villages, that with my force he was not to be assailed; and he opened a furious cannonade of from thirty-five to forty guns of very large calibre, and, as usual, right well served. My object being to unite myself with the force from Loodiana, which every moment I expected to appear in sight—for it was nine o'clock—I moved parallel with the enemy, resolving to attack the moment the Loodiana troops reached me. He, however, so pressed upon me, that I opened in one body my eleven guns upon him with considerable effect, and moved up the 31st, and was preparing to form line upon this regiment, when the enemy most rapidly formed a line of seven regiments, with their guns, between, at right angles with the line I was about to attack, while a considerable force was moving round my right and front. Thus enveloped, and overwhelmed by numbers, and such a superiority of guns, I had nothing for it but to throw back my line on its right, which represented a small line on the hypothenuse of a triangle."

That is to say, the two divisions of the enemy formed two sides of a triangle, Sir Henry Smith and his force being placed between them on a shorter line, and nearer the centre than the remaining side of the triangle. He goes on as follows:—

"The enemy thus outflanked me and my whole force. I therefore gradually withdrew my infantry in echellon of battalions, the cavalry in echellon of squadrons, in the direction of Loodiana, momentarily expecting to see the approach of that force—viz., one regiment of cavalry, five guns, and four regiments of infantry, when I would have made a vigorous attack. The ground was very deep and sandy, and therefore very difficult to move on. The enemy continued to move on as described for upwards of an hour, and until I knew the Loodiana force was moving not a musket was fired. Nothing could exceed the steadiness of the troops. The line was thrown back, under this cannonade, as if on parade, Native as well as British, and the movements of the cavalry, under Brigadier Cureton, were, without any exception, the most perfect thing I ever saw, and which I cannot describe."

So far from withholding this narrative of his extrication from his difficulties, I think it only adds to the proofs of his skill and valour, and illustrates his high character as a commander. Having been disappointed in effecting his junction with the troops from Loodiana, and those expected to arrive under Colonel Wheeler, he extricated himself from his formidable embarrassment with consummate coolness and judgment. Instead of desponding under his temporary disappointment, he was able to direct all his energies to the entire discomfiture of the enemy only a few days afterwards. Of the battle itself I will not speak; the victory was complete, and it has been so admirably described by the illustrious commander, that I will not weaken the effect of his narrative. And is this victory his only title to our acknowledgment? What have been the services of this gallant Officer? These recent events have given new lustre to his preceding career. It is one of unusual distinction. Sir Henry Smith was at the capture of Monte Video—at the attack upon Buenos Ayres; he served during the first campaigns of the Peninsular war, from the battle of Vimeira to that of Corunna. He was at the battles of Sabagal and Fuente d'Onor, at the sieges of Ciudad Rodrigo and Badajos, at the battles of Salamanca, Vittoria, Orthes, the Pyrenees, and Toulouse. He was at Washington and at New Orleans, and finally he was at Waterloo. What a series of noble services—and how rejoiced I am that there should be an opportunity, through this new and signal victory, of bringing before the gladdened eyes of a grateful country a long life of military exertion, and an unbroken series of military honours! After he had achieved that success for which we are about to give him our special thanks—after he had driven back the enemy across the

Sutlej, he instantly returned to rejoin his commanding officer, Sir Hugh Gough. He arrived at head-quarters on the 8th February, two days before the decisive victory gained by the forces under Sir Hugh Gough and Sir Henry Hardinge. He took, therefore, a distinguished part in the battle of Sobraon. But for his services in the victory of the 28th of January, I propose that there should be a distinct and separate vote—distinct and separate from that which I shall recommend for that not more glorious, though perhaps yet more important and decisive achievement accomplished at a later date by the whole British army. I say I will not weaken the effect of the recital of the particulars of that second battle and victory, as detailed in the despatches of the gallant officers in command, by attempting what must be in comparison a poor and inefficient narrative. I will do the Members of this House, the fellow countrymen of these distinguished officers, the justice to believe that they are familiar with all the details of these signal exploits. Let us not forget, in commemorating the valour of our own countrymen, to give due praise to the skill and bravery of our defeated enemy. After our successes over them on the 18th and 21st December, they so far recovered from their disasters, that, undaunted, they met on the field, after the lapse of a few weeks, the whole force of the British army. Sir Henry Hardinge, speaking of their conduct in the battle of Sobraon, says, "Such was the bravery of the enemy, that being defeated they walked away, and, in the middle of the river, disdained to ask for quarter." But I will not enter into particulars—for every man who hears me is master of the details of the battle fought on the 10th February; he is aware that the well-appointed army of the Sikhs suffered a complete and a signal discomfiture; that their loss was enormous; that, after the exhibition of great valour, they were driven across the Sutlej; and that the British army, crossing at the Sutlej near Ferozepore, as well as at the point where the battle was fought, united its forces and marched together towards the capital of the Sikh territory. All this was accomplished in a period not exceeding eight weeks from the day on which the first incursion of the enemy took place; and during that period of eight weeks the enemy was triumphantly defeated wherever he was encountered. Every gun which the Sikhs had brought to bear on our troops was captured; and after a series of decisive victories, we now probably occupy the capital city of the Punjaub. I believe that not more than one-third of the whole force engaged consisted of Europeans; and the example which those Europeans set was worthy of being followed by the native soldiers. They did follow it—and on every occasion during the four successive and desperate conflicts in which they were engaged, was the honour of the British name worthily sustained by the commanders, the officers, and the men. The victory, this succession of victories, has been interrupted by no single failure; it was unsullied by any imputation on our arms and character. We have not been influenced by a grasping spirit of aggrandizement—we have simply repelled an attack made upon us in a time of profound peace—all national engagements on our part having been faithfully kept, there not having been a pretext, even in the shape of justifiable preparation and defence, for the aggression that was made upon us. Those Sikh chiefs with whom we have had communication since the defeat of the enemy, who disavow any participation in his perfidy, and profess to disapprove of it, have frankly acknowledged the object they had in view. By their powerful artillery, and by their formidable infantry and cavalry, they thought to overpower the two detachments of the British forces stationed at the extremities of the frontier line—Ferozepore and Loodiana; having overpowered them, they intended to march at once to Delhi, and hoped by their success to shake the allegiance of our Indian soldiery. That was the avowed object they had in view. It was admitted that there was no excuse for this aggression from any proceedings on our part; we had been guilty of no breach of treaty, and had done nothing that could justify hostility. The same persons admitted also that they should derive consolation even from the failure of a rebellious and mutinous army—that the next best thing to victory would be a defeat, since it would lead to the dispersion and annihilation of a force which it was impossible to control. For success so gained, and for triumph in a conflict so unprovoked, I think there will be but one universal and unanimous expression of gratitude within these walls. There is much to adorn and nothing to sully our victory; and I do hope that now it has been achieved it will give lasting peace to India; that a general conviction will be felt of our power—a conviction of the superiority of

British arms, that will ensure a long enjoyment of tranquillity to that country. I trust that this may be our last battle, and that hereafter we may be enabled to direct our undivided attention to the amelioration of the condition of our Indian fellow-subjects, and the improvement of the natural resources of our Indian Empire. In that anticipation the House will, I am sure, permit me to refer to some circumstances which may well fill our hearts with joy and exultation. The two leaders of our victorious army, the Governor General and the Commander-in-Chief, have throughout these operations set an example of cordial concert and union—an utter forgetfulness of themselves, to which the happy result is greatly to be attributed. All matters of punctilio were sacrificed, and Sir Henry Hardinge consented to serve as second in command. On the other hand, there was not a suggestion offered by Sir Henry Hardinge which was not thankfully accepted by Sir Hugh Gough. Hoping, as I have said, that this may be the last occasion on which I shall have to perform the gratifying duty of proposing a public acknowledgment for victory, and a public expression of admiration for the high qualities of our illustrious countrymen, I will, with the permission of the House, refer to a document, not of a public character, that has been put into my hand since I entered the House this evening—it is a letter from Sir Hugh Gough, which was never intended to meet the public eye; but it does him so much honour, that I cannot refuse myself the pleasure of reading it. He says :—

"It is now with pride and with pleasure I enclose you a copy of my despatch, detailing one of the most splendid and decisive victories upon record—the Waterloo of India. I have entered so fully both into detail and commendation in my despatch to the Governor General, that it would be impossible for me to enlarge upon a subject embracing the warmest feelings of my heart. Policy, however, precluded me publicly recording my sentiments on the splendid gallantry of our fallen foe, or to record the acts of heroism displayed, not only individually, but almost collectively, by the Sikh Sirdars and army ; and I declare, were it not from a deep conviction that my country's good required the sacrifice, I could have wept to have witnessed the fearful slaughter of so devoted a body of men. Never, in the page of military history, has the hand of an All-wise Being been so signally manifested : to Him, therefore, be the glory ; we, as his instruments, feel the pride. But I cannot pass over—I cannot too strongly record—facts which, whilst they add lustre to the native army, afford to me, as its head, inexpressible pride and pleasure. For upwards of a month, when the two armies were close in front of one another, notwithstanding the numerous temptations held out to our sepoys by men of their own colour and religion ; namely, greatly increased pay, from seven to twelve rupees a month, and immediate promotion, I had but three desertions from this large force. Nor should I omit to mention, as a proof of the high state of discipline of this splendid army, that trade has been carried on unreservedly since we crossed the Sutlej in the several Sikh towns around which our divisions have been necessarily placed for the procurance of water, and the same confidence has been shown as though we were in one of our long-established provinces."

The example set by two gallant commanders of disregarding military punctilio, and looking exclusively to their country's honour and to the safety of the army, told, as might naturally be expected, on those placed under their orders. Sir Hugh Gough speaks of an officer who joined only the night before the battle, and pays him a tribute which I am proud to mention. This officer (Brigadier Irvine) had made every exertion to join the army, in the hope of being placed in the prominent station to which by his rank he was entitled ; and, as I have said, he arrived only the night before the battle. The command would naturally have devolved upon him, but he declined to assume it, in order that all the credit might attach to the officer who in point of rank was inferior, but who had superintended the preparations for the coming action. While we are bestowing due praise on such devotion to public duty, let us not forget the example that had been set by the Governor General and Commander-in-Chief. That example had, no doubt, influenced the conduct of other brave and honourable men, who were willing to make a sacrifice, not of mere personal interest, for that they disregarded, but of that which was really dear to them, the opportunity of personal distinction. I am sure the House will permit me, among expressions of gratitude to the surviving conquerors, to mingle some of deep regret at the loss we have sustained. On the former occasion I had to lament the sacrifice of life, and I met with universal and generous sympathy ; I had to condole with the country on the death of that gallant officer Sir Robert Sale, who was known to most of us, and endeared to all who had intercourse with him, by the kindly frankness of his deportment. On this occasion I have to deplore the loss of several officers of the highest reputation, and the first I shall name is Sir Robert Dick. I am confident that the House will permit me shortly to recite what is the extent of national gratitude due for the former services of this gallant officer. He entered

the service in 1800. He embarked with the 78th Regiment for Sicily in 1806, and was wounded in battle. He accompanied the expedition to Egypt, and was present at the taking of Alexandria. He embarked with the 42nd Regiment in 1809, and was again wounded at Fuente d'Onor. He commanded the second battalion of the 42nd Regiment at Ciudad Rodrigo. He was at the battle of Salamanca, at the storming of St. Michel, and was present during the siege of Burgos. In 1815 he was severely wounded, and, after a life of honour, he at last fell in the battle, for the happy result of which we are about to make our grateful acknowledgments. I deeply regret that in the face of the House of Commons I cannot do justice to every officer and to every man who fell in this encounter, and sacrificed his life in his country's service. Some limit, however, must be imposed on the mention of individual officers, and the least invidious limit is that of rank and standing in the army. Not outsepping that limit, I must deplore the loss of another gallant soldier. On the day which deprived us for ever of the services of Sir Robert Dick, there also fell Lieutenant Colonel Taylor of the 29th Regiment. The father of this gallant officer, leading into action the 20th Light Dragoons, of which he was Lieutenant Colonel, lost his life in the Peninsula. The father fell at Vimiera — the son met an equally glorious death at the battle of Sobraon. I will, with the permission of the House, briefly recapitulate the services of Lieutenant Colonel Taylor. He commanded the light company of the 20th Foot, in the expedition against Kalapore, in 1827-28 ; served on the frontier during the Canadian rebellion, where, in the succeesful attack of a village occupied by the rebels, he rendered an important service; commanded a brigade of infantry in the actions of the 18th, 21st, and 22nd of December, 1845, wherein he was wounded; commanded also the troops sent to keep up the communication between Sir Henry Smith and the main army, whilst the former was engaged in the operations which led to the battle of Aliwal; and a brigade of infantry at the battle of Sobraon, where he fell. His death is thus announced by Sir Hugh Gough:—

"The army has sustained a heavy loss by the death of Brigadier Taylor, an able officer, and worthy to have been at the head of Her Majesty's 20th Regiment, by which he was beloved and respected."

How many there are who have lost their sons and relatives in these conflicts I need not say; but I have been thrown of late into frequent and necessary intercourse with one, whose gallant son died on the field of battle in this encounter. It has been my duty, my painful duty in some respects, to hold constant communication with Lord Fitzroy Somerset, whose brave offspring, had he survived, would have supported the honour of his family, and transmitted to another generation the high character of his father. Lord Fitzroy Somerset himself has run an illustrious career. He accompanied the Duke of Wellington throughout all the battles of the Peninsula, and was severely wounded at Waterloo. Had his son survived, the satisfaction of Lord Fitzroy Somerset, in contemplating the recent services of his former comrades, would have been unalloyed. He has now to mingle with admiration of their valour the sorrows of a father for a painful and irreparable loss. If in mentioning the name of the gallant and lamented Somerset, I am transgressing the limit I proposed to observe, the services and character, and station of the father, his relation to the British army and to its illustrious Chief, will fully justify me in offering this, the best consolation to the wounded feelings of a father and a soldier. I wish I could do justice to my own feelings by naming many others scarcely less distinguished or less lamented; but the list is so numerous of those entitled to grateful remembrance, that I trust a reluctant silence will not be imputed to any want of a due sense of their claims and merits. When I review the names of those who have taken a distinguished part in these and other recent victories in India —the names of Sir Henry Hardinge, Sir Hugh Gough, Sir Henry Smith, Sir Charles Napier, Sir Robert Dick, and General Thackwell—(several Members here added the name of Gilbert)—I reflect with satisfaction and pride that these distinguished men received their military education under the auspices of the Duke of Wellington. It adds new lustre even to his immortal name, that his school has produced pupils who have so profited by his example. There are officers not less eminent, who have not had the honour and advantage of serving under the Duke of Wellington; but on them his precepts and example have not been lost. Such men as Nott, and Pollock, and Gilbert, and other bright ornaments of the Indian army, have treasured up the memory of "Assaye," and the brilliant career of the Duke of Wellington

throughout his Indian campaigns. His Indian Correspondence, his Comments on the Retreat of Colonel Monson, his Lessons on the Art of Indian Warfare, have exercised their just influence on those to whom, perhaps, his person is unknown. It may be that at this very moment the Duke of Wellington is bestowing, in the House of Peers, the unstinted meed of his praise on these signal achievements, and is stamping an additional value even on the Thanks of Parliament, by bearing his high testimony to the skill and valour of those to whom they will be justly given. With what conscious pride must he reflect on the number of gallant men distinguished in these Indian campaigns who have heretofore fought and bled under his command, and, after the lapse of many years, have now worthily followed his example! And long after he shall have been gathered to his fathers, will that example instruct and animate the British army. It will teach them that success is ensured by the calm and dispassionate calculation of remote contingencies—by the preparation for all vicissitudes of fortune—by valour tempered according to the exigencies that require its display—now patient and enduring—now reckless and desperate. It will teach them fortitude under disappointment, and moderation in the hour of victory. The memory of the high qualities and the great deeds of the Duke of Wellington will be for ages a tower of defence to his country, inspiring her military councils with wisdom and justice, and guiding heroes that are yet unborn in the paths of glory. I conclude by moving—

"That the Thanks of this House be given to Major General Sir Henry George Smith, Knight Commander of the Most honourable Military Order of the Bath, for his skilful and meritorious conduct, when in command of the British Troops employed against a large portion of the Sikh Army, of greatly superior numbers; and for the signal valour and judgment displayed by him in the Battle of Aliwal on the 28th of January, 1846, when the Enemy's Force was totally defeated, and new lustre added to the reputation of the British Arms.

"That the Thanks of this House be given to the several Officers, European and Native, under the command of Sir Henry Smith, for the distinguished services rendered by them at the Battle of Aliwal.

"That this House doth highly approve of, and commend, the intrepidity and exemplary discipline displayed by the Non-commissioned Officers and Private Soldiers, European and Native, in the Battle of Aliwal, on the 28th of January, 1846, in their attack on the Enemy's position, by which the Sikhs were completely routed, and driven in confusion across the Sutlej, with the loss of all their Artillery and Military Equipment; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant behaviour.

"That, in requesting the Governor General of India to communicate these Resolutions to the several Officers referred to therein, this House desires to acknowledge the zeal and judgment evinced by the Right honourable Lieutenant General Sir Henry Hardinge, Knight Grand Cross of the Most honourable Military Order of the Bath, Governor General of India; and also by General Sir Hugh Gough, Bart., Knight Grand Cross of the Most honourable Military Order of the Bath, Commander in Chief of the Forces in India, in supplying Major General Sir Henry Smith with such reinforcements and military means as enabled him, under Divine Providence, to overcome all the obstacles thrown in his way by a brave and determined Enemy."

SIR J. C. HOBHOUSE said: Sir, I consider it a very proud distinction to be permitted to second the Motion of the right hon. Baronet; but I can assure the House that I shall do so in a very few sentences. After the eloquent and effective appeal which has been made by the right hon. Gentleman, it would be superfluous in me to do more than, in a very few words, explain why I consider we are called on to pay this tribute of thanks to the gallant general and the troops under his command. General Smith has, as the right hon. Baronet says, by these actions maintained the glory of his former character, and contributed to the subsequent success—to that success which is to form the subject of the second vote of thanks which the right hon. Gentleman is this night to move. And here I may take the liberty of observing, that never, I believe, in the annals of Parliament—never, I believe, upon any former occasion—was it the good fortune of a Minister of the Crown to propose two votes of thanks upon the same night for two such brilliant victories as those which it has been the right hon. Gentleman's duty to bring before the notice of the House on this occasion. It is, as the right hon. Gentleman said, a peculiar felicity that we should have this opportunity of recording the sentiments of a British House of Commons upon his proposal, and bearing our testimony to those great exploits—exploits which the right hon. Gentleman is perfectly justified in saying have never been exceeded, if they have ever been equalled, in the history of this country. It is superfluous for me to say much more upon this subject, because, as the right hon. Gentleman has told you, we have in the despatches of those gallant officers their own account of these great deeds, and such an account as shows not less their modesty than their valour; for we find the record

in those despatches of the great deeds of almost every officer and of the men under their command, but a silence, a modest and perfect silence is observed with respect to their own individual deeds. It is, indeed, as the right hon. Gentleman said—it is true that the right hand which held the sword also held the pen; or, as it was said of a great commander of antiquity, *Eodem animo scripsit quo bellavit;* and the detail in these admirable despatches makes it unnecessary to allude more particularly to the brilliant actions they describe. But an allusion which has been made to the Governor General of India, although, perhaps, it more particularly belongs to the second Motion of thanks which the right hon. Gentleman is about to propose to the House, will, I hope, be a sufficient excuse for my saying one or two words with reference to that distinguished man. It is a great comfort to me, as it must be to every Member of this House—it is a great consolation to me, who have mixed familiarly, I may say, upon the floor of Parliament with this distinguished man, to see him now in a distant country meeting those hitherto invincible battalions with the same courage, the same success, and the same devotion to his country, that characterized him when we saw him mingling in the discussions of the Senate, and winning the esteem, however he might differ from his opponents, of all those with whom, happily for them, he ever came in contact. There is something, I may say, almost of Roman grandeur in this, that the right hon. and gallant Gentleman gets, as it were, from the floor of this House, where he had so long distinguished himself, to the command of a great province and of mighty armies, where, though suddenly and treacherously attacked, he combines with the greatest skill and prudence all the available forces of the province committed to his care, and with wonderful success in less than two months performed deeds which would be sufficient for the life of any other man. Why, between the 17th of December last and the present time, Sir Henry Hardinge has performed exploits and achieved conquests such as would illustrate the life of any other commander. Whether this is the last triumph that we will have to record—though I hope peace may be assured—or not, I cannot but conclude with saying that we shall ever remember with grateful pride that distinguished man, who, so well known in this House, has shown himself equally distinguished in the field, and has more than upheld that renown which he had previously enjoyed. Most willingly do I second the Motion.

Mr. C. RUSSELL said, the House would remember that when a vote of thanks to the army in India was before recorded by the House, that a petition was presented by the hon. Member for Durham from the town which he (Mr. Russell) had the honour to represent, the town of Reading, and that a very just rebuke was thrown upon that petition by the right hon. Baronet at the head of Her Majesty's Government. He had since received a request from the inhabitants of the town of Reading, conveyed to him through the mayor and magistrates of that town, that he should disclaim on their part that petition; and that he would would express their deep regret—he might add their shame—that such a petition should have been supposed to have proceeded from that town. They had carefully examined that petition, and found attached to it the names of many women and school children, and many persons who were hardly able to write; and, besides that, there were several signatures which were actual forgeries, for some gentlemen whose names were attached to it had given an indignant denial to the statement that they sanctioned that petition. He had been requested to avail himself of that debate to say that there was no town in Her Majesty's dominions which more heartily and more loyally rejoiced in the triumphs of Her Majesty's armies, or was more cordially desirous to concur in the tribute of praise and admiration of the gallantry by which those triumphs had been obtained. It would be presumptuous on his part to attempt to swell the high and just panegyric that had been pronounced upon those deeds by the right hon. Baronet at the head of Her Majesty's Government; but having had the honour to wear the uniform of the Bengal army during many of the best years of his existence, it would not seem unreasonable that he should have been specifically requested by a large number of persons to offer their homage and admiration to the troops of Her Majesty's army, and to the troops of that service in which at one period he might say he had the honour to serve.

Sir R. H. INGLIS would not follow the hon. Gentleman who had spoken last in the former part of his observations; and it was sufficient for him to say that he entirely agreed with the latter part of them, and

in every word that had fallen from the right hon. Baronet at the head of Her Majesty's Government, beginning, as he did, with ascribing the glory and the success of the war to Him to whom alone they were due, and following up that with a detailed statement of the merits and services for which he had claimed the gratitude of that House, and with respect to which he had, he (Sir R. Inglis) believed, spoken the sentiments not only of that House, but also of every Englishman who was worthy of the name. He thought it would be presumptuous in him, a layman, to offer any testimony to the military merits and services which the right hon. Gentleman had enumerated—a testimony which better became the military companions of those distinguished men; but he could not forbear referring to the testimony which had been borne by the right hon. Member for Nottingham (Sir J. C. Hobhouse) to those services—a testimony which was the more honourable as being given to a political opponent, and doubly valuable as coming from one who, if he might be allowed to say so, had the misfortune to differ from the right hon. Baronet the Governor General of India. He wished also, following up the observations with which the right hon. Baronet had commenced, specially to call the attention of the House to the despatch of Sir Hugh Gough himself—a despatch which would bear comparison with any despatch in any age of the military history of this country, and which revived, in some of its expressions, the remembrance of some of the greatest heroes who had ever fought and conquered, and who had always attributed success to Him to whom alone it was owing. What were the words in which the Duke of Marlborough announced the battle of Blenheim?—

"God has blessed Her Majesty's arms with as great a victory as has ever been known."

What was the language used by Lord Nelson after the battle of the Nile?—

"Almighty God has blessed His Majesty's arms in the late battle by a great victory over the fleet of the enemy, whom I attacked at sunset, on the 1st of August, off the mouth of the Nile."

What were the expressions used by Lord Collingwood after the still greater battle of Trafalgar?—

"The Almighty God, whose arm is strength, having of his great mercy been pleased to crown the exertions of His Majesty's fleet with success, in giving them a complete victory over their enemies, on the 21st of this month; and that all praise and thanksgiving may be offered up to the Throne of Grace for the great benefit to our country and to mankind, I have thought proper that a day should be appointed of general humiliation before God, and of thanksgiving for this his merciful goodness, imploring forgiveness of sins, a continuation of His Divine mercy, and His constant aid to us in the defence of our country's liberties and laws, without which the utmost efforts of man are nought."

In the same spirit as the Duke of Marlborough, Lord Nelson, and Lord Collingwood, did Sir Hugh Gough, in words which ought to be engraven on all their hearts, open his despatch:—

"Thanks to Almighty God, whose hand I desire to acknowledge in all our successes, the occasion of my writing now is to announce a fourth and most glorious and decisive victory."

He (Sir R. Inglis) said that those men were worthy of being the countrymen of Marlborough, of Nelson, and of Collingwood, who, in the moment of victory, could make that acknowledgment; and he trusted, from the passage he had already adverted to in the opening speech of his right hon. Friend at the head of the Government, that he would not only accord to those distinguished individuals on the present occasion the same acknowledgments which others had expressed, but that he would not be unprepared publicly to give effect to such expression of acknowledgment. It would be invidious to particularise individuals; but he could not but feel that more mention should have been made of Major General Gilbert and Brigadier Cureton, whose merits must have well entitled them to more especial reference. The latter distinguished individual, though descended from what the world generally called a good family, had the credit of raising himself from the ranks. If he thought that in making that allusion he detracted in the slightest degree from the great merit and character of that individual, he hoped he should shrink from doing anything of the kind, or of seeking to undervalue him; but he mentioned it as redounding to his own honour that he had risen by his talents from the ranks. He believed there would not be in that House one dissentient voice, or dissentient feeling in the country, with respect to the merits and services of those who were now to receive the most grateful of tributes which man could confer upon man—the honour of a unanimous vote of thanks from that House. Thanking the House for having permitted him to bear his share in according this public expression of thanks, he would conclude by stating that he gave his cordial

support to the votes both to Sir H. Smith and to Sir H. Hardinge for their achievement on the banks of the Sutlej.

Lord J. RUSSELL: As the right hon. Baronet has brought this question so fully before you, it is not necessary for me to trouble the House with many observations; but I wish to take this opportunity of expressing my cordial participation in the vote of thanks which the right hon. Baronet has moved. The terms in which he moved that vote of thanks, the speech he made in moving it, every topic to which he alluded, seem to me to leave nothing to be supplied. I never heard a question of a vote of thanks sustained with more feeling or more ability. Perhaps it may be permitted to me, who am not the political or private friend of Sir Henry Hardinge, to say there is no person who is united to him either by political connection or private friendship who can feel more warmly the honour he has acquired in the recent transactions than I feel, who have been opposed to him in politics, but who have always felt for his character the highest respect. Let me say further, with respect to Sir Hugh Gough, that I am glad to see that a native of Ireland has added another to those many glories which Irishmen have contributed to the reputation and fame of England. I have great satisfaction in thinking that the glory which the British army has acquired under the Governor General and Commander-in-Chief has been altogether untarnished. If the state of the Punjaub had rendered the invasion necessary, we might be liable to the charge of ambition —if we had even assembled a large army, apparently menacing that territory, then it might be said that it was imperative on them to seek protection for their country by crossing the Sutlej; but from the manner in which Sir Henry Hardinge has concluded the great affairs committed to him, we can say that no preparation was made that could justify the smallest aggression —and we can say, likewise, that if the utmost preparation had been made—if the army had been collected with a view to dispose of the Punjaub according to the dictates of our ambition, even in that case there could not have been more happy and brilliant success than that which has followed this wanton and unprovoked invasion upon the part of the Sikhs. With these few words I beg to express my cordial concurrence in the Resolution.

Sir DE LACY EVANS: I hope this House will allow me to give my cordial concurrence and support to the vote moved by the right hon. Baronet. There is a peculiar reason why I do not wish to give a silent vote of thanks to Sir H. Smith, for happily it has been my fate to be peculiarly associated with him on many occasions. The right hon. Baronet has so ably detailed the services of Sir H. Smith, and has so well eulogized his conduct upon the present occasion, that I will not attempt ts follow him; but there was an expression in which I cannot quite concur, as to what the newspapers have called a "reverse," in the admirable conduct which has been so well described. I do not think the expression of a reverse—although even in that case there would be nothing injurious to the glory of the actions of Sir H. Smith—is in any degree applicable. Sir H. Smith was placed in one of those unexpected difficulties which frequently occur. He had a very difficult military operation to execute, and he succeeded. His first and primary duty was to effect a junction with the small corps under Colonel Godby, and also with the still smaller force under Colonel Wheeler. Therefore he had one of the most extraordinarily delicate manœuvres which it could fall to the lot of a chief to execute; and though surprised, he made only a partial failure by sacrificing a small portion of his baggage, which I do not believe was of the slightest consequence. When it is recollected that this was a parallel movement, that the enemy was double our force, and though it is not well known to hon. Members in that House, the baggage is four or five times as large as in an European army, and that the followers are three times the amount of the army, I do not think the loss great, even if 700 camels had been lost. It must be recollected that in Affghanistan the loss was 30,000 or 32,000 camels. I therefore conceive that the expression of the right hon. Gentleman was not applicable. The victory which followed was a great proof of skill and ability. There are hardly any recorded details of any army which can surpass this in my admiration. With regard to the merits of the Governor General and the Commander-in-Chief, former circumstances may lead the House to suppose that, in supporting the vote for their distinguished and glorious services, I may be less cordial and less sincere than in the vote to Sir H. Smith. But, Sir, I know too well the ill consequences in the feelings of officers and of men of any unjust criticisms in this House or in any other place,

or of any inadequate acknowledgment of services, to follow what may have been the course pursued towards myself in this House at a former period. With regard to the Governor General, as a Lieutenant General, placing himself second in command to Sir H. Gough, and as Governor General in the exercise of his arduous duties, collecting supplies, and obtaining men, I must say, that though many glorious achievements stand on the records of this country, there are none recorded which are more honourable than this to the Governor General. Some criticism has also been passed on the battle of Ferozeshah; but, Sir, there never has been a battle fought, not even Waterloo, after which there was not a variety of gentlemen to be found who could have fought it infinitely better. It has also been said the Governor General ought not to have began the engagement on the evening of the 21st, but should have waited for the next morning. I will not put my opinion in competition with that of these infallible critics; but they should bear in mind that if our army did not engage on the 21st, the enemy had a large body of cavalry, which might have captured our sick and wounded, and seized the stores and supplies which were coming up. Moreover, if we had commenced the battle next morning, I am not aware that our own people would have been much better off than the night before; they had not any supplies, and the battle would probably have been much longer in the morning. Nay more, I may be permitted to remind hon. Gentlemen that a large body of men, and forty or fifty guns came up after the action; and if they had acted on our flank, or in the rear at an early period, they would have done injury to our attacking force, and I do not know what additional danger they might have produced. Permit me also to refer humbly but sincerely to the glorious career of Sir Hugh Gough. It is well known that he is an officer of advanced age, and of invariable gallantry. From the day when at Barossa his regiment captured an eagle of the enemy, down to the present hour, in his various posts, he has never failed to attract the notice of his superiors, and the approbation of the Government. As the battle of Sobraon may be regarded as the Waterloo of Indian battles, I only wish to call the attention of the right hon. Baronet to what I am sure the country will gratefully recollect, the services of this gallant old soldier, and, as I believe, he is termed in one of Sir H. Hardinge's letters, "the glorious veteran." He has had the good fortune to be Commander-in-Chief in two most glorious and successful wars; and I believe, with the exception of the illustrious Commander-in-Chief of our army, who was connected with a series of wars, and who was always triumphant, I believe this is the only instance of a Commander-in-Chief who has, in a few years, conducted two most glorious and successful wars.

Sir HOWARD DOUGLAS said, that having paid his tribute of admiration on a former occasion to the great achievements of the Indian army, he should not enter again into tactical details relating to that splendid plan of operations. He rejoiced that separate votes of thanks were proposed to be given to Sir Henry Smith, and to the Commander in Chief, Sir Hugh Gough, for the two distinct and brilliant victories which they had gained; for had not Sir Henry Smith succeeded in the very difficult and critical operations intrusted to him, and defeated the well-conceived and very formidable attempt made by the enemy to intercept the main communications of the army, the crowning victory of Sobraon, in which he too had a principal share, had never taken place. The operations of the division under Sir Henry Smith, were, tactically, of the most difficult description, and were conducted with admirable skill, and a perfect knowledge of the science of his profession. And he (Sir H. Douglas) agreed with his hon. and gallant Friend the Member for Westminster, that nothing occurred in these movements which could be considered to have been disappointment, far less a "reverse." There was a trifling sacrifice of some of the baggage which followed in the rear, which Sir Henry Smith had too much skill and constancy of purpose to attempt to protect by any hesitation, or deviation from his plan, which must have brought on a general action ere he had formed his junction with the other corps. Had he done this, the great object for which he was detached would have failed; and the most serious consequences must have ensued, to the main operations, instead of being a prelude to that great victory for which the House was now about to return thanks to the Commander in Chief, the officers, and soldiers, who fought on that glorious day—one of the most splendid and eventful in military history. Having described, from a plan in his hand, the works thrown up by the

enemy, forming a *tête de pont*, consisting of three separate enclosures of which the most advanced was a formidable entrenchment armed with seventy or eighty pieces of ordnance, defended, moreover, by powerful batteries placed on the right bank of the river which commanded, by about forty feet, the low ground on the left bank on which the operations took place, the gallant Member (Sir Howard Douglas) observed, that he was not aware of any instance in which so strong a post of that description was attacked, directly in front, without other combinations; and, for this reason, that *têtes de pont* may easily be turned, by crossing the river on either flank, unless the enemy prevent this by occupying the reverse bank of the river likewise with a large force. Thus, by waiting for the advance of Sir Charles Napier, combined with a movement across the river by a part of Sir Hugh Gough's army, the enemy would have been forced either to cross the Sutlej, or to permit their communications to be intercepted, and their retreat cut off. But this plan of operation required time; and the heats were at hand, when the operations of the British army could no longer with safety be continued; and this, had it succeeded in obliging the Sikhs to recross the river, would have led to the commencement of a fresh campaign—to the prosecution of a war of invasion in the Punjaub, instead of terminating a war of aggression in Hindostan, at one blow, by a victory which destroyed the remnant of the invader's force, and opened the way to put an end to the war, without further bloodshed. Sir Hugh Gough, therefore, and the Governor General decided wisely. Well were they entitled to rely on the valour, the determination, the invincibility of his forces, for so daring and decisive an operation. The arrangements were perfect—the different arms of the service were admirably combined—the operation was eminently successful, and highly deserving of the thanks of the House, and the gratitude of the country.

Mr. BROTHERTON said, it was not his intention to have obtruded himself upon the attention of the House; but after the speech of the hon. Member for Reading it appeared to him that it would partake of pusillanimity on his part, with the sentiments he held in regard to war, if he did not stand up in that House and endeavour to vindicate principles which he was never ashamed to acknowledge. He knew that in this country the abhorrence of war and the principles of peace were fast gaining ground in the public mind; and previous to the last occasion when the thanks of that House were voted to those gallant officers and men in India, a deputation waited upon him to request that he would support a resolution which would have appeared to be in opposition to the vote of thanks that was then proposed; but he thought that this war had been of such a character that an opposition then started in that House was not likely to propagate those principles of peace which he wished to advocate; and that, on the contrary, it was better to abstain at that time from an avowal of them, which might only injure their progress in future. On the present occasion he had no wish to destroy or to weaken the unanimity and cordiality of the vote that was proposed to be given to those men who had risked their lives, nay, many who had sacrificed them, for what they believed was calculated to promote the honour, glory, and welfare of this country; and he did not hesitate to say that his heart was as warm and his feelings as grateful to men who in any state had done what they could to promote the interests of this country as any man's; and although he might not exactly agree with the sentiments of many hon. Gentlemen, yet he had not the slightest wish to say one word that could give offence to any one. He assured the House that he spoke only from an imperious sense of the correctness of those principles which he had long entertained upon this subject. It was not exactly according to his sentiments that they should mix up religion with war; for he had always considered war as the greatest scourge that could be permitted by Providence to afflict the human race, and that it was the duty of all men to do what they could to prevent it. He should deeply regret to see the military spirit increased in this country, as he believed that the best interests of nations might be promoted without having recourse to arms. The right hon. Baronet had depicted with great feeling the horrors of those scenes which had taken place in India; and he did not like attributing to the Almighty what He could not look upon with complacency. There was a manifest distinction between what God appointed, and what He permitted. He appointed what was good; He permitted what was evil; otherwise it could not exist. Nothing could be more injurious to society, than confounding good with evil. It was a profanation of the sacred

principles of Christianity. He was, therefore, decidedly against the consecration of regimental colours, and placing the trophies of war in the temples of peace. God must look with an equal eye upon all mankind; and although He might permit, for some wise purpose, a great evil to exist, and permit one class to punish another, yet, according to his ideas of religion, they ought to set up those principles which they thought right, and to manifest their confidence in them by adhering to them.

Lord HOTHAM said, that as a very old friend of the gallant officer (Sir H. Smith), whose conduct they were now considering, he hoped he should be pardoned for availing himself of the opportunity of expressing his entire and cordial concurrence in the sentiments so ably, eloquently, and justly expressed by his right hon. Friend the First Lord of the Treasury. He thought it impossible for any one to read the despatch of Sir H. Smith without coming to the conclusion that these proceedings were conducted by him with the most consummate ability. It was also, as his right hon. Friend had said, well worthy of remark, that Sir H. Smith had detailed all the circumstances attending the battle of Aliwal, with a degree of perspicuity which rendered them so intelligible to every Member of the House, that even those the least acquainted with military operations were able to see at once not only the precise object which he was ordered to effect, and the difficulties he had to contend with, but also the manner in which, after a severe struggle, he was able to overcome those difficulties, and add fresh lustre to the British arms. His right hon. Friend had stated that perhaps the success of Sir H. Smith might, in no small degree, be attributed to the opportunity he had had of serving under the Duke of Wellington. He was sure that, if they had Sir H. Smith amongst them, he would be the first to admit that his success was mainly attributable to the advantage he had of learning the art of war, for five successive years, in the Peninsula, under that illustrious man whom they had the satisfaction still to see at the head of the British army. Sir H. Smith was attached to a portion of the Peninsular army not less remarkable for its discipline than for its intelligence, and general knowledge of its duty; a division always in the front when they were advancing towards the enemy, always in the rear when necessity compelled a retrograde movement, and always in the line when they were formed for action; and although constantly exposed to danger, he had had the good fortune, except on one occasion, to escape those casualties by which so many of his brother officers were disabled, and thus he had the opportunity of seeing an extent of service which it fell to the lot of few to witness. The House saw to what good account he had turned the advantages he had possessed in acquiring professional knowledge; but besides this, Sir H. Smith had the additional natural advantage of a remarkably quick perception, and was, moreover, characterized by unceasing activity in the performance of his duty, the most ardent zeal and devotion, and the most undaunted resolution. There could be little doubt that to the knowledge that he possessed all these qualities, it might be, in some measure, attributed that he was selected by Sir H. Gough for that service which he had so well and so effectually performed. Gratifying as it was to him (Lord Hotham) to see the House notice with honour any portion of the service to which he belonged, he thought they should do so only on great occasions; but he was also of opinion that no one could doubt that this was one of those occasions. He cordially concurred in the second vote of thanks which would be proposed to the Governor General and Sir H. Gough; and would only further say, that, as every officer and man who had been engaged in the late operations in India had richly deserved the thanks of the House, so he believed that all, and no one more than Sir H. Smith, would highly appreciate them.

Mr. HUME, before this vote passed, which he hoped would be by the unanimous voice of the House, wished to make one or two observations. He was sorry that the question of the policy of war should have been introduced by his hon. Friend, as this was by no means the proper occasion for introducing it. The right hon. Baronet stated, and truly stated, that in achieving such glory he could not make an exception of the native troops, or distinguish them from any others engaged. It appeared that two-thirds of the troops engaged in these battles were natives; and he questioned whether the House knew the extent or the value of the services of the native troops. He had himself had opportunities of noticing the conduct of native troops, when pay was nine months in arrear, while engaged in war, and yet the whole of these troops continued to act throughout that war with the greatest fidelity. He did

not believe that the page of history offered a more striking instance, as regarded the loyalty, the fidelity, and the bravery of troops, than was to be found in this campaign in the conduct of the native troops. He hoped that the East India Company, which was so much indebted to the native troops, would do its duty by promoting their interests in every possible way. He trusted that there would be a unanimous vote on this occasion. He had formerly heard of the grasping disposition of Governor Generals, and that they were constantly encroaching on surrounding States with the view of extending the Indian empire: if he might offer an opinion on the conduct of Sir Henry Hardinge, it would be that he had shown an excess of moderation, but which would redound to his and his country's great honour, and remove the stigma which very often was unjustly urged, that this country was grasping at all the territory of its neighbours. The conduct of the Sikhs had been such as would have justified Sir Henry Hardinge in taking any course; but he pursued a course most honourable to himself and his country, and which would prove as advantageous to the East India Company as it was to exalt his own character. He confessed that he had looked forward to the possession of the Punjaub as a probable event, as it appeared necessary for the securing peace on our frontier; but, as the Government had said that they for the present would make the trial of preserving its independence, he would not say one word in objection. If peace, however, should not be secured, they would have to take possession of it hereafter, and those who violated the pledge they had given, must fear the consequences.

Resolution agreed to *nemine contradicente*.

It was also—

Resolved, Nemine Contradicente—"That the Thanks of this House be given to the several Officers, European and Native, under the command of Sir Henry Smith for the distinguished Services rendered by them at the Battle of Aliwal.

"That this House doth highly approve of, and commend, the intrepidity and exemplary discipline displayed by the Non-Commissioned Officers and Private Soldiers, European and Native, in the Battle of Aliwal, on the 28th of January, 1846, in their Attack on the Enemy's Position, by which the Sikhs were completely routed, and driven in Confusion across the Sutlej, with the Loss of all their Artillery and Military Equipment; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant behaviour.

"That, in requesting the Governor General of India to communicate these Resolutions to the several Officers referred to therein, this House desires to acknowledge the zeal and judgment evinced by The Right Honourable Lieutenant General Sir Henry Hardinge, Knight Grand Cross of the Most Honourable Military Order of the Bath, Governor General of India; and also by General Sir Hugh Gough, Baronet, Knight Grand Cross of the Most Honourable Military Order of the Bath, Commander in Chief of the Forces in India, in supplying Major General Sir Henry Smith with such reinforcements and military means as enabled him, under Divine Providence, to overcome all the Obstacles thrown in his way by a brave and determined Enemy."

It was—

Ordered—"That the said Resolutions be transmitted by Mr. Speaker to the Governor General of India, and that he be requested to communicate the same to the several Officers referred to therein."

BATTLE OE SOBRAON.

Sir R. PEEL thought that it would be unnecessary for him to trouble the House further than merely to propose the Resolutions, embodying a Vote of Thanks to Sir Hugh Gough and Sir Henry Hardinge, and the officers and soldiers serving under these distinguished generals. The gallant Officer (Sir De Lacy Evans) misunderstood him if he supposed that he (Sir R. Peel) intended to have made the slightest reflection on Sir Harry Smith, with respect to any loss in the baggage of his army; on the contrary, in what he had said he had been most desirous of paying an additional compliment to the gallant General for his most able and judicious conduct previously to the action of the 28th. Instead of implying any sort of blame, he intended to express his opinion that the movement of the troops previously to the battle of Aliwal had been conducted with the greatest skill and bravery. He was fully aware that it was a matter of delicacy to allude in that House to the probable exercise of the prerogative of Her Majesty. He would not, however, let the opportunity pass of observing that Her Majesty had signified, within one hour after the receipt of the despatches, Her gracious intention of conferring the honour of the British Peerage on Sir Henry Hardinge and on Sir Hugh Gough. He would take that opportunity of alluding to events which ought not to pass in silence. In a communication from Sir Henry Hardinge, which he received yesterday, that gallant Officer bore testimony to the valour of the distinguished Prussian Prince and the officers who accompanied him in the cam-

paign in India. That distinguished personage had left the army after the battle of Ferozepore, but on hearing that there was a probability of another engagement, returned to take part in it. The Prince is thus alluded to in the despatch of Sir Hugh Gough:—"We were in this battle again honoured with the presence of Prince Waldemar of Prussia, and the two noblemen in his suite, Counts Oriola and Greuben." Here, as at Moodkee and Ferozeshah, these distinguished visitors did not content themselves with a distant view of the action, but throughout it were to be seen in front wherever danger most urgently pressed. He hoped also to be permitted to supply an omission which he had made in proposing the Motion, namely, in not doing sufficient honour to the distinguished services of Major General Gilbert. The highest testimony was borne to the distinguished services and merits of this gallant officer. With respect to his conduct during the recent operations, he would refer to the words of Sir Hugh Gough, which were much better than any to which he could give utterance:—

"I want words to express my gratitude to Major General Gilbert. Not only have I to record that in this great fight all was achieved by him which, as Commander-in-Chief, I could desire to have executed; not only on this day was his division enabled, by his skill and courageous example, to triumph over obstacles from which a less ardent spirit would have recoiled as insurmountable; but since the hour in which our leading columns moved out of Umballah, I have found in the Major General an officer who has not merely carried out all my orders to the letter, but whose zeal and tact have enabled him in a hundred instances to perform valuable services in exact anticipation of my wishes. I beg explicitly to recommend him to your Excellency's special notice as a divisional commander of the highest merit."

If he had inadvertently omitted to notice with the honour due to it the name of General Gilbert, he believed that he had now made ample compensation by reciting the highest testimony that could be borne to his conduct. He should conclude with proposing the following Resolutions:—

"That the Thanks of this House be given to the Right Hon. Lieutenant General Sir Henry Hardinge, Knight Grand Cross of the Most honourable Military Order of the Bath, Governor General of India, for the judgment, energy, and ability with which the resources of the British Empire in India have been applied, in repelling the unjust and unprovoked invasion of the British Territory by the Sikh nation; and for the valour and indefatigable exertions which he displayed on the 10th of February, 1846, at the Battle of Sobraon, when, by the blessing of Almighty God, which we desire most humbly to acknowledge, this hostile and treacherous invasion was successfully defeated.

"That the Thanks of this House be given to General Sir Hugh Gough, Bart., Knight Grand Cross of the Most honourable Military Order of the Bath, Commander in Chief of the Forces in India, for the signal ability and valour with which, in the Battle of Sobraon, upon the 10th of February, 1846, he directed and led the attack, when the enemy's entrenchments were stormed, their artillery captured, their army defeated and scattered, and the Punjaub laid open to the advance of our victorious Troops.

"That the Thanks of this House be given to Major General Sir Henry George Smith, Knight Commander of the Most honourable Military Order of the Bath; Major General Walter Raleigh Gilbert; and Major General Sir Joseph Thackwell, Knight Commander of the Most honourable Military Order of the Bath; and to the other Officers, European and Native, for the distinguished services rendered by them in the eminently successful operations at the battle of Sobraon.

"That this House doth highly approve of and commend the invincible intrepidity, perseverance, and steady discipline displayed by the Non-commissioned Officers and Private Soldiers, European and Native, in the Battle of Sobraon, on the 10th of February, 1846, by which the glory of the British Arms has been successfully maintained against a determined and greatly superior force; and that the same be signified to them by the commanders of the several corps, who are desired to thank them for their gallant behaviour."

The right hon. Baronet concluded by moving—

"That the Thanks of this House be given to The Right Honourable Lieutenant General Sir Henry Hardinge, Knight Grand Cross of the Most honourable Military Order of the Bath, Governor General of India, for the judgment, energy, and ability, with which the resources of the British Empire in India have been applied in repelling the unjust and unprovoked invasion of the British Territory by the Sikh Nation; and for the valour and indefatigable exertions which he displayed on the 10th of February, 1846, at the Battle of Sobraon, when, by the blessing of Almighty God, which we desire most humbly to acknowledge, this hostile and treacherous invasion was successfully defeated."

SIR DE LACY EVANS: I regret that I so imperfectly expressed myself with reference to the manœuvres of General Sir H. Smith. I did not suppose the right hon. Baronet intended any other than to acknowledge in the best spirit the honour and glory due to the gallant Officer; but I thought it right, as a military man, to object to a word that he made use of. I am glad to hear that it is Her Majesty's gracious intention to bestow the honours of the Peerage upon Sir Hugh Gough. I, for one, received that announcement with delight; and I am sure that feeling will be shared in from one end of the country to the other. For my own part, I will venture to say, I should be gratified to find that, in

addition, it was the gracious intention of Her Majesty to confer the honours of the British Peerage also upon Sir H. Hardinge. My hon. Friend the Member for Montrose, in alluding to the moderation of the Governor General, has expressed a doubt whether he has not shown almost too much moderation in the terms of the peace. But, in my view, in no part of his conduct has the Governor General shown more judgment, more wisdom, and more sound policy than in the course he took after the victory, more particularly as displayed in his despatch to the Secret Committee. I believe that this moderation will be found to be most conducive to the maintenance of the power of the British Government, and to the satisfaction of the vast population who are now connected with us in the north of India. Sir Hugh Gough has given us a beautiful description in his despatch of the brilliant conduct of no less than twelve brigadier officers, who commanded in the late action, and particularly of the conduct of Brigadier Stacey, who led the army into the enemy's intrenchments. He has also spoken in the highest terms of the gallantry and conduct of Brigadier Cureton. I suppose there are some precedents which have prevented the brigadiers from being included in the Vote of Thanks, upon the present occasion; but I think they might have been included. During forty years of the last war I find that no less than fifty brigadiers have received the thanks of Parliament; and if there were any precedents against it, I think that now, upon the conclusion of the war, they might have been departed from; and if the slightest colour could be found for including the brigadiers in the present vote, they ought to receive the thanks of the House.

Sir R. INGLIS: A generous suggestion has been made by the hon. Member who has just sat down, which would have been a proper suggestion from any one; but is doubly friendly from him, with reference to the honours that may be conferred upon Sir Henry Hardinge. I know as well as any one that it is the duty of the House not to interfere with the prerogatives of the Crown. But I perfectly agree in the allusion made by the hon. and gallant Member, that if the right hon. Baronet should feel it his duty to make any recommendation to Her Majesty upon this point, it would be followed by the grateful thanks of this House, and of the country generally. There is another gallant Officer who has not been so prominently mentioned as he deserved—Major General Sir Joseph Thackwell. I do not remember anything in the annals of military history superior to the charge of the 3rd Dragoons, or to the cavalry of the left entering the entrenchments in single file, and then reforming and charging the enemy.

Sir R. PEEL: I feel that this is rather a delicate subject; but in order to prevent the possibility of any doubt, I may state to the House that the despatches had not been in the possession of the Queen an hour, when Her Majesty signified her intention of conferring the honours of the peerage upon Sir Henry Hardinge and Sir Hugh Gough. I may also state that the appointment of Aid-de-Camp to the Queen was made out for Lieutenant Colonel Taylor for his previous services, before the intelligence of his death arrived. I rise to make these explanations, in order to show that every wish expressed by the House has been anticipated by the Queen, in the desire to reward with distinctions those who had conducted themselves gallantly.

Resolutions agreed to *nemine contradicente*. It was also Resolved, *nemine contradicente*—

"That the Thanks of this House be given to General Sir Hugh Gough, baronet, Knight Grand Cross of the Most honourable Military Order of the Bath, Commander in Chief of the Forces in India, for the signal ability and valour with which, in the Battle of Sobraon, upon the 10th of February, 1846, he directed and led the attack, when the Enemy's intrenchments were stormed, their artillery captured, their army defeated and scattered, and the Punjaub laid open to the Advance of our victorious Troops.

"That the Thanks of this House be given to Major General Sir Henry George Smith, Knight Commander of the Most honourable Military Order of the Bath; Major General Walter Raleigh Gilbert; and Major General Sir Joseph Thackwell, Knight, Commander of the Most Honourable Military Order of the Bath; and to the other Officers, European and Native, for the distinguished Services rendered by them in the eminently successful operations at the battle of Sobraon.

"That this House doth highly approve of and commend the invincible intrepidity, perseverance, and steady discipline displayed by the Non-commissioned Officers and Private Soldiers, European and Native, in the Battle of Sobraon, on the 10th of February, 1846, by which the Glory of the British Arms has been successfully maintained against a determined and greatly superior force; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant Behaviour."

It was also—

Ordered—"That the Resolutions be transmitted by Mr. Speaker to the Governor General of India, and that he be requested to communicate the same to the several Officers referred to therein."

INTERMENT IN TOWNS.

MR. MACKINNON, in rising to move for leave to bring in a Bill, in accordance with the Resolution of the House last Session, wished to ask the right hon. Baronet the Secretary of State for the Home Department, whether it were the intention of Her Majesty's Government to take any steps in accordance with the recommendation of the Committee on this subject, and with the Resolution of the House of last Session? And, if the answer was in the negative, whether, in the event of the Motion being brought forward by him (Mr. Mackinnon), the right han. Baronet would give it his concurrence and support?

SIR J. GRAHAM said, the House would remember that the Resolution referred to had been carried against his strong remonstrance; and that though he had voted against it, he was left in a minority. What he had stated then he was prepared to state now—that the subject, in his eyes, was only exceeded in its importance by its difficulty; but, having given it his best consideration, he had come to the resolution that he could not, on the part of the Government, frame any measure satisfactory to himself for the adoption of Parliament. Under these circumstances he should most gladly support the Motion of his hon. Friend; and when the measure which he proposed to introduce was before the House, he should give it all the attention in his power, and endeavour to make it as fit for the purpose in view as possible.

MR. MACKINNON said, that after these observations of his right hon. Friend, he should proceed with the Motion of which he had given notice. He felt all the difficulty of bringing forward a question of such delicacy and such great magnitude; but he had letters from nearly every large town in the kingdom urging him to press it, and in some cases twitting him as for neglect of his duty in relation to it. He believed if it were adopted, that it would be most conducive to the health of these towns, and most beneficial to their inhabitants; while he was satisfied that it would not only not injure the clergy of the Church of England, but would do them a considerable service. He said this because he was a stanch supporter of that Church, and because he was satisfied that much of the opposition offered to the measure was founded on the erroneous impression that it would injure the clergy. He could state, for his own part, that the superior clergy were most anxious for it, and that the opposition which existed did not emanate from the leading members of the Church. The only way to meet the difficulty which attended the question was, to give towns the opportunity of petitioning the Privy Council, who should have the power of deciding upon the report of their inspector. He trusted that there would be no opposition to the introduction of the Bill, or to its principle, and the House would, of course, do as it thought fit with it in Committee. As there was no opposition to his Motion, he begged leave at once to move—

"That the practice of interments within the precincts of the metropolis and large towns is injurious to the health of the population, and demands the serious attention of Parliament."

MR. HUME said, the right hon. Baronet admitted the difficulty of the measure consisted principally of the impossibility to reconcile the interests of the Church with the details of this measure: this was a Bill that ought to have Government support, and be introduced by Government; for what was the use of having a Government if it refused to introduce measures that the public advantage imperatively required?

SIR J. GRAHAM, in explanation, wished a right rev. Prelate in another House of Parliament had introduced a Bill on the subject, and then much of the difficulties of the question connected with the Established clergy would most likely have been avoided. The Dissenting bodies, it should be recollected, were also very deeply concerned in the measure.

Bill ordered to be brought in.

CORRESPONDING SOCIETIES' ACT.

MR. T. DUNCOMBE then moved for leave to bring in—

"A Bill to amend an Act passed in the 39th year of the reign of George III., c. 79, relating to Corresponding Societies and the licensing of places for the purposes of Lecture and Reading."

He believed there would be no objection to this Motion. According to the 15th Clause of the Act 39 George III., c. 79, which was commonly called the Corresponding Societies' Act, any person delivering a lecture on any subject in a room not duly licensed annually by the magistrates, and receiving money at the door, and any person paying for admission, was liable to a penalty of 20*l*. He would venture to say there was not a room in the metropolis, or in any part of the country, which was duly licensed for such purposes; and persons who lectured or attended lectures in them were consequently liable to proceedings for

these penalties. A case occurred at Hull last year, where an information was laid against a bookseller under this clause, by some parties who entertained a feeling against him. In that case a lecture was given; money was taken at the doors; an information was laid; and the person proceeded against was convicted. The decision of the justices was questioned in the Court of Queen's Bench, on the ground that the magistrates had no jurisdiction; but that Court confirmed the conviction. There was not at this moment a mechanics' institute the conductors of which were not liable to proceedings under this Act. He had moved for a return of all rooms licensed for lectures in Middlesex and Surrey; that return had not been made, but he believed it would be "nil." Hon. Gentlemen were aware that Shaksperian readings took place at the Argyle Rooms, where money was paid at the doors; and, undoubtedly, the persons connected with those proceedings were open to information. He believed that, in consequence of the conviction at Hull, it had been in the contemplation of some common informers to lay informations by wholesale against the lecturers in all unlicensed rooms. In that event there would be no end to the penalties which would then be recovered, and the House would then have to interpose, as they had done with reference to the *qui tam* actions; and in another case with regard to a clause in this Bill, which required the name of the printer to be placed on the first and last pages of all publications. The object of this Bill was to relieve parties from these penalties; and he hoped it would receive the sanction of the House. He also proposed to amend the Second Clause of this Act, which operated with peculiar hardship on friendly societies established for charitable purposes, with reference to the correspondence between the officers of such societies. He might mention that he had seen addresses issued lately by what are called protection societies, in direct violation of this clause of the Act; and there could be no doubt that the writers of such addresses were liable to indictment.

The ATTORNEY GENERAL said, he was not disposed to offer any opposition to the introduction of the Bill; but there might be great danger in removing the safeguards established by the Act. In assenting to its introduction, it must be understood that he did not pledge himself to support it in a future stage.

Leave given to bring in the Bill.

PETITION OF WILLIAM SCOTT.

Mr. T. DUNCOMBE then rose to call the attention of the House to two petitions he had presented some time ago from William Scott, chairman of a public meeting of the inhabitants of Dundee, and from six factory girls in that town, complaining of the illegal treatment and imprisonment of those girls. The persons on whose behalf he (Mr. T. Duncombe) addressed the House, were six unfortunate and unprotected factory girls of Dundee, between 14 and 20 years; one being 20, one 18, two 19, one 17, and the youngest between 14 and 15; and the parties of whom they complained were Messrs. Baxters, who were wealthy and influential bankers, merchants, flax-spinners and shipowners in that town. He might be told that those gentlemen were liberal men — that they were free traders, and that a short time ago they subscribed 600*l.* to the Anti-Corn-Law League; but he asked them and the House to do justice to these unfortunate girls. Those young persons stated in their petition that they had been for a considerable time—since they were nine years of age—in the employment of Messrs. Baxters; and it could not be alleged that they had ever committed any offence, or given any ground of complaint, during their period of service. These girls worked in Messrs. Baxters' flax-spinning mill, where they were engaged by the week. A short time since some of the operatives employed in the mill obtained an advance of wages; and the girls, forty in number, employed in the same "flat" with the petitioners, applied for a similar advance, but their request was refused. The advance for which they asked was only 3*d.* a week—from 5*s.* 6*d.* to 5*s.* 9*d.* They made the demand for an advance before breakfast on the 27th October last, and after the refusal of their request they left their work at dinner time, and did not return to their work that day, though they ought to have worked from two o'clock to seven o'clock. They were therefore absent five hours. They returned to work on the following morning at five o'clock, when they were apprehended by four men who conveyed them to a private office. The fact of their returning to work showed that they had no intention to desert the service of their employers; but they stated in their petition that they took the afternoon of the 27th for recreation, as other persons employed in the mill had been in the habit of doing. The penalty for so absenting themselves

from work was, according to the rules of the mill, a deduction of wages for "a time and a half;" or, in their case, as they had been absent five hours, of the wages they would have received for seven hours and a half labour. The petitioners were kept at the private office to which they were taken, in the presence of four men, till twelve o'clock in the day, when they were marched through the town, not to the town-hall, but to another private office, where they found the magistrate, with one of the Messrs. Baxter, and the overseer and manager of the mill, in the same room. While in charge of the four men, the girls were induced to sign a paper, which they were told would be satisfactory to their employers, but which amounted, in fact, to a confession. Mr. Baxter whispered with the magistrate before the latter gave his decision; and what did the House suppose was the punishment to which the girls were condemned? Ten days' imprisonment with hard labour! Messrs. Baxters, in a petition they had presented, in answer to this charge, alleged that before this occurrence combinations and strikes to a considerable extent had taken place in several of the flax-spinning manufacteries in Dundee. But because such strikes or combinations had taken place elsewhere, were Messrs. Baxter justified in thus treating these girls? One of the rules of the mill provided that any person intending to leave work should give a week's previous notice to his overseers, but not one word was there said about imprisonment. Messrs. Baxter had, however, carefully omitted mentioning another of their regulations, which provided that any person absent after the hours appointed for commencing work should have a time and a half's pay deducted from his or her wages. The operatives, therefore, supposed that this was the only penalty they incurred by their absence. These petitioners also complained that no one was allowed to approach these girls during this trial. The brother of one of the girls did not know that his sister had been tried and imprisoned until she was actually in prison; and the sisters of another of the girls, hearing that she was in trouble, went to the door of the justice-room, and asked permission to see their sister, but were repulsed, and told that they had no business to come there, and that if they did not go away they would be tried and imprisoned too. Could that be called a fair trial where the doors were not open for the admission of all persons? No similar case had occurred in Dundee, he was informed, since Dundee was Dundee. He believed that no cotton-spinner in England could point to the occurrence of a similar case in this country. They durst not act in that way in Manchester, where the parties leaving their work would be merely fined. It was a monstrous, shameful, and cruel sentence on these helpless girls, whose families had been distressed by their incarceration, and the mother of one of whom, being dependent on her for subsistence, had suffered great misery in consequence. Complaints were made with respect to this false trial and imprisonment to the Lord Advocate, who instituted an inquiry; and he (Mr. Duncombe) should be glad to have the result of his precognition, as it was termed, but that was refused, on the ground that it was unprecedented to communicate the details of a precognition instituted by the Crown. If that was unprecedented, the case also was unprecedented; and, as the Messrs. Baxter asked for investigation, he did hope that the House of Commons would institute an inquiry into the case, when he would undertake to prove the allegations made in the petition of the inhabitants of Dundee. The hon. Member concluded by moving—

"That a Select Committee be appointed to inquire into the Allegation of the Petition of the Chairman of the Meeting of the Inhabitants of Dundee, complaining of the illegal Trial and Imprisonment of Jane Bennett and other Factory Girls in Octobor last."

Mr. DUNCAN seconded the Motion. He said that nothing would satisfy the working classes of Dundee but a thorough and complete investigation into the whole case. When that investigation was gone into, the House would find that the Messrs. Baxter, instead of being oppressive to their working people, were careful, none more so, of their health and comfort. He was a justice, and had acted in many instances with the gentleman who tried this case, and a more upright and able justice (not being a legal man) did not exist. He was also acquainted with the Messrs. Baxter, had gone through all their works, and could testify to the care they took of the comfort of their working people, and to the excellent motives which influenced all their acts. The hon. Member for Finsbury had alluded to the petition of the inhabitants of Dundee; and he had felt it to be his duty to call the attention of the provost of that town to the petition; and the answer he received from that gentleman was to the

effect that that meeting was held without any notice from the authorities of the town; that he thought it best to let the labouring classes meet and discuss their grievances, or alleged grievances, for any attempt to prevent that would only increase their discontent; but that, in such a case as the present, where judicial matters were involved, the circumstances of which could be ascertained from the records of the court, he did not think much weight was due to the expression of opinion on the part of such a meeting, and that he had no hesitation in declaring, as his opinion, that in the case in question ample justice was done, and that the justices of the peace in the town and neighbourhood were all men of such respectability that he was convinced that they were incapable of using their power for the oppression of any one. Under these circumstances, he could not regard that petition as the petition of the inhabitants generally of Dundee. He had mentioned to the Lord Advocate that certain friends of these girls had gone to the court and had been refused admission; and the Lord Advocate explained to him, that though such was the case, the refusal did not emanate from the court, or from Messrs. Baxter, but was owing to the ignorance of the doorkeeper of the office, in which he had often sat as justice (the town-hall at the time being employed for a criminal trial before the sheriff); and the Lord Advocate added that he had taken care that no such obstacle should again take place. It had been said that these five girls, whose petition was before the House, were minors; but from an excerpt from the books of Messrs. Baxter, kept under the Factory Act, it appeared that none of them was under twenty years and a half old; that one of them had been nearly ten years in the employment of Messrs. Baxter, and none less than seven years. It could not be said, therefore, that the Messrs. Baxter had taken advantage of persons ignorant of the nature of their engagement. It appeared that the girls, on being refused an advance of wages, went away without stating that they were not coming back; and that he (Mr. Duncan) held to be a breach of engagement. One of the rules was, that any persons leaving their work must give a week's previous notice; and another was, that any person whose services were no longer required would receive a similar notice or a week's pay. This was an equitable arrangement—that if this agreement was binding on the master, it should be binding on both parties. Something had been said about the misery of the families of these five girls; but he could state that the whole of them had been retained in employment during the depressed years of 1841, 1842, and 1843, when many other establishments were closed; and that larger wages, he believed, were given to them than to almost any others of the same class. Messrs. Baxter themselves courted investigation, and the affair was important, because it concerned the maintenance of a good feeling between masters and workpeople. Mr. Stuart, Factory Inspector for Scotland, had stated, after perusing the petitions, that Messrs. Baxter's regulation that no one should leave without notice, was very general in Scotch factories; that Messrs. Baxter had a reputation for conducting their factory on the most enterprising and respectable footing; that though they were very averse to factory legislation, he had never found them violating or attempting to violate any of the provisions of the law; and that he had had many occasions to admire their attention to their workpeople, in protecting them from unnecessary exposure to cold, and contributing most liberally to provide education for them.

Dr. BOWRING said, that Messrs. Baxter showed the anxiety natural to honourable and high minded men for an investigation into their conduct to their workpeople after such a complaint as this. He had known them long, and could bear testimony to their high character and position, and their great integrity. He joined in the wish for an investigation: whenever the working classes came to the House and said they had been wronged, the House was bound to lend a willing ear.

The LORD ADVOCATE said, that on the 8th of last November he received a statement, which led him to infer that the persons in question had been seized possibly without a warrant, and brought before a person possibly not a magistrate; and he had considered it his duty to examine whether an offence had been committed which would call for a criminal prosecution at his instance. He waited upon the sheriff of the county, and requested him to investigate the matter. Investigations by the public prosecutor before trial were entirely *ex parte*; and for the purpose of informing his own mind, and detecting crime, each witness was separately examined; and if any of them were confronted, their evidence could be objected

to at the trial; nor ought the public prosecutor to disclose the examinations so taken, and the tendency of the judgments of the courts was, that he would be guilty of a dereliction of duty if he did. It was said that these six persons now contemplated a demand for compensation: clearly he ought to make no statement which would prejudice their claim, or the defence to it. However, they were examined separately, and in the result it appeared to him that the petition presented by Messrs. Baxter against those women for a violation of the statute was a competent petition to be presented; that it had been followed out in a manner which did not warrant his interference as for the perpetration of any offence; that he considered to be the question for him, and not so much whether there had been any imperfection in the proceedings. It was observed, that the trial did not take place in the Court room, where criminal trials were usually held; but the fact was, that a trial was then proceeding in that room, which was likely to last all day, and the apartment, used on this occasion was one frequently employed for holding courts. It also appeared that the officer in attendance at the door refused admittance to a sister of one of the parties; it turned out that she did not inform him of her relationship; and the officer stated that he excluded her because she was making a noise, and he thought she would create a disturbance in the court; still, thinking that unless she was evidently unruly, it was not the doorkeeper's province to determine whether she should be admitted or not, he had called the justices' attention to this, that they might take steps to prevent its recurrence, or remove this person if they thought fit. As to the principal fact in the case, if the statute did not apply, or if there was any irregularity, it was perfectly competent to those parties to institute proceedings in a court of law; and indeed it appeared, from the petition of the girls, that they did contemplate a demand for reparation—compensation for loss of time and false imprisonment. Though he would not say whether, in his opinion, these parties had a civil action, or express one word for or against such a proceeding, yet there could be no doubt that such was the object they had in view; and as little doubt that such a course was perfectly open to them. They might raise an action either against the Messrs. Baxter, or against the magistrate before whom they had been taken; but he begged to direct the attention of the House to the question, whether this was a fitting matter for their interference; whether it would not be an interfering with and prejudging the claim, either of the one party or the other, if a Committee should be appointed to make an investigation—to have a sort of fishing examination of that which was to become the subject of legal inquiry? He had not the slightest interest in this matter. He had no acquaintance with the Messrs. Baxter, and he had never heard of the magistrate before this case came under his notice; but, from all he had heard, both parties were persons of the highest respectability. He hoped that in coming to a decision on this matter, the House would consider the injurious effect which such an application for Parliamentary inquiry was calculated to produce.

Viscount DUNCAN, happening to be a magistrate in the district, and acquainted with many of the parties, hoped he might be permitted to say a word or two on the subject. He regretted to hear what had fallen from the learned Lord, as he was most anxious that every circumstance connected with the matter should be most minutely investigated, being certain that it would have been found there was much less foundation for these petitions than the hon. Member for Finsbury seemed to imagine. He had received a letter from the Messrs. Baxter, stating how much they felt hurt at the charges which had been preferred against them, and narrating a variety of facts to show the great attention which they were accustomed to pay to the education and general comfort of their work people. The noble Lord read the letter. He was instructed to give the most complete contradiction to the allegation that the Messrs. Baxter, or any of their servants, attempted to interfere with the course of justice in this case, and that, instead of showing any harsh feeling towards the girls, they had done everything in their power to soften the rigours of their position, both before and after trial. He must say, judging from the terms in which the petitions were drawn up, that they appeared to him to have been written by some party who had a personal animosity to the Messrs. Baxter. He trusted his hon. Friend the Member for Finsbury would inquire into the character of those gentlemen, and if, after doing so, he found that they were capable of acting as he had represented, he should be both surprised and astonished.

Mr. AGLIONBY said, if the Messrs.

Baxter were respectable, that was no reason for refusing an inquiry. It was highly creditable to those gentlemen to come forward and pray for an investigation, and he did not know why it thould be opposed. There was one remark made by the learned Lord, which he could not concur with. The learned Lord said that the courts of law were open, and that the parties in this case intended to proceed for damages. Now, that he denied. The girls only asked for compensation for their loss of time and false imprisonment. In the way in which that allegation was put in the petition, an objection might have been raised to its reception by the House; but there was nothing in the petition to show that these girls were able or willing to go to law. They asked only for compensation, and the House ought to give them such compensation as an inquiry into their conduct, and the vindication of their character, would afford. The parts of the petition which, in his judgment, would justify inquiry, were not the parts which would justify compensation. There were facts alleged in this petition of which no court of law would take cognizance. The girls stated in their petition that they were taken into custody by four officers, and kept in confinement till twelve o'clock, and that they were then imprisoned for ten days. They might, perhaps, according to Scotch law, be entitled to some damages for not being immediately taken before a magistrate after their apprehension; but according to the English law, at any rate, it would be necessary to prove corrupt motives before any claim to damages could be established. Whether the magistrates acted rightly or wrongly in the matter, he would not pretend to say; but the allegations made were quite sufficient to justify the granting of the Committee. The girls alleged that they were asked by the officers to give such answers as would please their masters; and they stated that they consequently did so, and, as they feared, to their ruin. The learned Lord did not state in his address to the House how far that allegation was correct. In the English courts, when prisoners were brought up for examination before magistrates, they were cautioned that what they said might be used against them, and they were consequently warned not to say any thing without due deliberation. Again, the petitioners stated that their master stood by the side of the magistrates, and whispered to them before the passing of the sentence. Now, that allegation was not denied. Messrs. Baxter said that they did not unduly interfere or influence the course of justice; but there was no denial on their part that they were near to, and were talking with, the magistrates. The impression produced in the public mind, when a prosecutor was seen talking to the magistrates, was always one unfavourable to the administration of justice. He had come, therefore, to the conclusion that the House ought under all the circumstances to grant the Committee.

Sir J. GRAHAM had felt considerable difficulty upon this question, and that difficulty had been much increased by the course which the hon. Member for Finsbury had taken. The hon. Member had substituted for the Motion of which he had given notice, the Motion that a Committee of Inquiry be appointed. He (Sir J. Graham) did not think that upon that Motion the House need discuss what was the character of the Messrs. Baxter, or the character of the girls. The question had been settled; but the question which they had now to discuss was, whether justice had been administered in this case. Now, while he distinctly admitted the right of any persons who felt themselves aggrieved to come before the House of Commons, he considered that petitioners ought not to come before a legislative body, except in the last resort. He laid this down as a general rule. Then the question came to the point as put by the hon. and learned Member for Cockermouth. Was there a short and satisfactory remedy elsewhere? The law in Scotland was upon this subject different from that which prevailed in other parts of the United Kingdom. Year by year the Faculty of Advocates appointed a standing committee of the most distinguished members of that body, to consider the cases of parties coming forward to sue *in forma pauperis*. Now, the girls in this case stated that their masters held secret communications with the magistrates before sentence was passed, and that injustice was consequently done. Let them go to the Court of Session. As a matter of course their statement would be referred to the standing committee which he had mentioned. If this committee reported that there was what was called, he believed, *probabilis causa litigandi*, a good ground of action, the court would instantly assign them counsel and agents; and these girls, humble though their means might be, would be enabled to proceed either criminally or civilly against the parties. If the

fact which they alleged to be true could be proved, he had no doubt that the girls would obtain ample damages for any injustice which had been done. As his hon. and learned Friend had stated, a previous inquiry before this House, especially if publicity were given to the evidence, would greatly prejudice the case against the magistrates. These girls had ready means of redress; and, therefore, he thought that the appointment of a Committee would, with a reference to ends of justice, be a superfluous, and consequently not a desirable appointment. He had stated frankly his views upon this case, which he had been obliged to form upon very short deliberation, because he had come down prepared to discuss a very different question. Unless, therefore, he heard some argument to show that the views which he took were erroneous, he should not be disposed to agree to the appointment of a Committee.

MR. HUME said, that as far as regarded these girls, the case was very simple. They allowed themselves that they had violated their engagements; and the question, therefore, was, whether justice had been done to them in the trial which had taken place. He confessed that he had read their petition with very great pain. It appeared to him that there had been some hole and corner work in the matter, and that justice had not been done to them. The Lord Advocate had stated very fairly that, in the prosecution of his duty, he had made an inquiry into the matter. That inquiry, however, was secret; and it was important that Judges should be above suspicion. It was because these girls were poor, and without friends, that the House should be careful to institute an inquiry. The Lord Advocate was satisfied; but would the people, would justice be satisfied without a public investigation? He submitted, therefore, that there ought to be an inquiry before a Committee of the House. If the question came to a vote, he should divide with those who called for an inquiry in public.

Mr. T. DUNCOMBE replied. What had occurred in Dundee would never be allowed in an English manufacturing town. Were the Committee granted, he should be in a condition to prove the most, if not all, the allegations of the petitioners.

The House divided:—Ayes 38; Noes 63: Majority 25.

List of the AYES.

Aglionby, H. A.	Bentinck, Lord G.
Baine, W.	Borthwick, P.
Bouverie, hon. E. P.	Kelly, J.
Bowring, Dr.	M'Carthy, A.
Bridgeman, H.	M'Donnell, J. M.
Brotherton, J.	Maher, N.
Browne, R. D.	Morris, D.
Browne, hon. W.	O'Brien, J.
Butler, P. S.	O'Brien, W. S.
Clay, Sir W.	O'Brien, T.
Collett, J.	O'Connell, D.
Dawson, hon. T. V.	O'Connell, J.
Duncan, Visct.	Pechell, Capt.
Escott, B.	Powell, C.
Fitzgerald, R. A.	Power, J.
Fitzmaurice, hon. W.	Waddington, H. S.
Fitzroy, Lord C.	Wawn, J. T.
Grattan, H.	
Hall, Sir B.	TELLERS.
Hindley, C.	Duncombe, T.
Hume, J.	Duncan, G.

List of the NOES.

Antrobus, E.	Hamilton, Lord C.
Baring, rt. hon. W. B.	Harris, hon. Capt.
Blackburne, J. I.	Hayes, Sir E.
Boldero, H. G.	Henley, J. W.
Botfield, B.	Herbert, rt. hon. S.
Bowles, Adm.	Hope, G. W.
Brisco, M.	Jermyn, Earl
Broadley, H.	Lockhart, W.
Bruce, Lord E.	Lygon, hon. Gen.
Cardwell, E.	M'Neill, D.
Carnegie, Capt.	Mahon, Visct.
Chelsea, Visct.	Masterman, J.
Clerk, rt. hon. Sir G.	Morgan, O.
Clive, hon. R. H.	Patten, J. W.
Cockburn, rt. hn. Sir G.	Peel, rt. hon. Sir R.
Compton, H. C.	Peel, J.
Copeland, Ald.	Plumptre, J. P.
Corry, rt. hon. H.	Round, C. G.
Dickinson, F. H.	Seymer, H. K.
Douglas, Sir C. E.	Smyth, Sir H.
Duke, Sir J.	Somerset, Lord G.
Filmer, Sir E.	Stanton, W. H.
Fitzroy, hon. H.	Stewart, J.
Flower, Sir J.	Sutton, hon. H. M.
Floyer, J.	Thesiger, Sir F.
Forster, M.	Tollemache, J.
Frewen, C. H.	Trelawny, J. S.
Gore, W. O.	Trotter, J.
Goulburn, rt. hon. H.	Wellesley, Lord C.
Graham, rt. hon. Sir J.	Wortley, hon. J. S.
Greene, T.	TELLERS.
Grogan, E.	Young, J.
Guest, Sir J.	Cripps, T.

CASE OF REILY.

MR. SMITH O'BRIEN, pursuant to notice, rose to move for an Address to the Crown for—

"A Return of the total amount of public money (whether derived from local funds or from funds voted by Parliament) which has been paid for services as a Crown witness, or for other services, to a man named Robert Reily, alias George Reily, alias Robert Alexander, alias George Rowan, alias Hugh O'Neill, who was sentenced to transportation, as a vagrant, at the late Spring Assizes for the county of Tyrone; specifying the service for which such money has been paid; the department and the public officer by whom such payments have

been made; and the period of time during which such payments took place."

His attention had lately been drawn to the case. He need not enter into the details of the evidence given by the man Reily. He presumed that Ministers would not state that they had given their sanction to the proceedings in question, and that they would admit that, if such a system prevailed in Ireland, it ought to be exhibited and condemned. He would, therefore, content himself with simply moving for the Return.

SIR JAMES GRAHAM said, that since the hon. Gentleman had given notice of his Motion, he had not had any opportunity of receiving information from Ireland on the subject; and he was, therefore, quite uninformed as to the case. The hon. Gentleman, however, only did the Government justice in stating his belief that the employment of persons to entrap others into crime would be regarded by Government as the greatest possible outrage upon law and property, and that it would receive their most prompt and grave reprobation. He had no objection to the production of the Returns moved for.

MR. HENRY GRATTAN remarked, that there were many instances of the police attempting to entrap persons into situations in which they might be charged with crime; and instanced the case of a policeman named Callan hiding arms, and accusing innocent parties of concealing them. There were other cases of a similar nature, in one of which a policeman was set down as being in England, when, in fact, he was secretly employed in the west of Ireland; and another in which a policeman was detected slipping Ribbon documents into the pocket of a countryman, with the view of accusing him of belonging to illegal associations. He knew persons who were cautioned that everything that occurred in their public houses was reported to Government.

MR. ESCOTT: The hon. Gentleman alludes in his Motion to persons transported for vagrancy. Is it a fact that vagrancy is ever so punished in Ireland?

MR. O'CONNELL: It is. If a man taken up as a vagrant cannot give 10*l.* security for his good behaviour, the Judge is empowered to transport him.

MR. HUME expected a better explanation than the Government had given. Charges were made, names given, and parties pointed out; and not a Member of the Government was able to say whether they were true or not. If the imprisonment of two or three girls in Scotland occupied their attention three or four hours, surely such offences as that charged against the police in Ireland should be thoroughly sifted by that House. The Government should institute an inquiry immediately: their own character was at stake.

SIR JAMES GRAHAM: The House, I am sure, will pardon me one moment. I am inclined to think the hon. Member for Montrose has not heard what I said in answer to the hon. Gentleman. The hon. Member for Limerick places on the Notice Paper a substantive charge as to a particular person, and that so recently that I have not had an opportunity of receiving an answer from Ireland. I directed immediate inquiries as to the facts to be made, and I have not yet received an answer. In the absence of that reply, I have stated that I was most willing to give an assurance that the Government would never sanction the employment of spies, directly or indirectly. The hon. Member for Meath gives a number of cases. I hope I shall be excused when I say—considering the office I hold is not immediately connected with Ireland—that I never heard of them before. I will undertake, on the part of the Crown, to assure the hon. Gentleman, that there shall be a searching inquiry as to the conduct of the policeman mentioned; that, if found to have offended as described, he shall be dismissed; and that a general order shall be issued that no such means as those referred to shall be issued by any one in the pay of the Government.

MR RYAN'S LETTER.

MR. O'CONNELL: I shall state only enough to make my Motion distinctly intelligible, and to show that the documents I ask for ought to be produced. A letter appeared lately in the newspapers exceedingly well written, signed "P. D. Ryan," and considered so important that it was referred to the other night in the speech of the right hon. Gentleman the Secretary for the Home Department. This gentleman signs himself "your faithful friend." Now, I have made some inquiries as to this "friend" of mine, and I find there is nothing about him that would induce me to claim the honour of his acquaintance. He has stated that his house was attacked: and he took special care to announce that this outrage was committed during "family prayers." Now, I am informed,

that seven months ago he alleged that a similar attack had been made on him. He then alleged that his house was fired into whilst he was in the midst of his family. The magistrates investigated the matter, and they found the charge a totally unfounded one. I wish to get the report of that transaction, which was furnished to the Government, and also the report of the recent transaction. I understand it will appear that both representations to the Government were fabrications. There is another document which I do not know if I have any right to call on the Government to produce. I understand this gentleman was an insolvent, and I ask for the production of his schedule, as it will prove, I am informed, how faithful and conscientious a tenant he was, and also how sensible of the obligations which a contract imposes. The hon. and learned Member moved for—

"A Copy of any Report sent to Government by a stipendary, or other magistrate, or by any police authority, of any attack made, or alleged, on the house of Mr. P. B. Ryan, or on himself, in the year 1845:—Also of any attack made, or alleged to have been made, on the house of the said Mr. P. Ryan in the Month of March 1846:—Return of the Discharge of the said Mr. P. B. Ryan by the Insolvent Court, in the county of Tipperary, and a copy of the schedule filed by him on that occasion."

SIR JAMES GRAHAM: I do not rise for the purpose of offering any opposition to the Motion of the hon. and learned Gentleman. With regard to the first part of his Motion, the explanation which the hon. and learned Gentleman requires is very natural. As to this gentleman's schedule, it may be true that he was unfortunate, and had taken the benefit of the Insolvent Act; but this misfortune did not at all invalidate the accuracy of any statement made by him. I must observe that I had no personal knowledge whatever of the gentleman. I was struck by his statement, and by the forcible language in which it was conveyed, and also by the circumstance that he was placed, in 1828, in the chair of the Catholic Association, on the Motion of the hon. and learned Member for Cork.

MR. O'CONNELL: A man's insolvency may certainly be a misfortune; but there are cases in which it may not. It is not because this gentleman was a poor man that I ask for his schedule, but because I had the most distinct evidence from the person who suffered from his insolvency that he did not behave quite fairly on that occasion. The hon. Member for Tipperary had the misfortune to have this gentleman as a tenant. He has represented himself as a suffering landlord. I wish to see what was his schedule when he became an insolvent, and what were the debts returned by him. I think this important. It is painful to me to drag up this species of account; but after the publication of that letter I do not think this gentleman entitled to be treated with any great ceremony. I can assure the House I did not see this letter until three days before it was quoted; and when I heard it read, I acknowledged it was infinitely better written than I could have supposed. As to this gentleman filling the chair of the Association, I am utterly unable to say whether he did or not. It might have happened that as a country gentleman he was moved to the chair; but this was no great proof of his station. I do not say it did not happen; and if it did, it is very immaterial. I can assure the right hon. Gentleman it is for no miserable triumph over the man's poverty that I ask for his schedule; but I ask for it because I think I can show, on the evidence of a Member of this House, the character of this man to be such, that the right hon. Gentleman will feel some surprise at hearing what description of a man he is whose aid he summoned to his eloquence.

MR. MAHER begged to say a few words on this matter. The gentleman in question was the only bad tenant he had in his life. He thought it important that the schedule should be produced to remove the impression which the letter of this gentleman had produced. It was well written, certainly. He begged, however, to call the attention of the right hon. Gentleman to the facts which he knew. After becoming insolvent, this gentleman overheld his land, and his agent obtained an order for the payment of rent from the assignees for the surrender of the land. The assignee was a person rejoicing in the name of Rody Fogarty, and who, he supposed, was this gentleman's brother-in-law. His agent served notice on this Rody Fogarty; but when about to obtain an attachment against the brother-in-law of the gentleman, it turned out that the assignee, Rody Fogarty, was a labourer in this gentleman's employment. He thought that fact quite enough to show what credit should be attached to this person's statements as to crime in Ireland. An appeal having been made to him an account of this man's large family, he allowed him to remain on the land. The former outrage, which Mr.

Ryan alleged to have been committed, was investigated by Mr. G. Jones and two local magistrates, and declared to be unfounded. His firm belief was, that no such attack as that alleged was recently made on this gentleman's house.

Motion agreed to.

EJECTMENT OF TENANTRY (IRELAND).

MR. SMITH O'BRIEN: After witnessing the consumption of three hours devoted to an examination of the case of six factory girls in Scotland, I hope I shall not be considered as trespassing too far on the attention of the House when I ask about twenty minutes or half an hour of time, whilst I bring under your notice what I consider to be a case of great oppression. The complaint to which I refer regards the expulsion of sixty-one families, in all 270 persons, from the homes of themselves and their fathers. An ejectment under circumstances of a painful nature, a short time back, attracted general attention as described in a Roscommon paper. This statement caught the eye of a most respectable friend of mine, the proprietor of the *Dublin Freeman's Journal*—a gentleman to whom the right hon. Secretary for the Home Department has given an historical name, by classing him with those who, with all respect, I must ever consider were the victims of an infamous prosecution. He sent a special reporter to the spot where the alleged clearance was said to have taken place; and it is to the report of the gentleman so sent down that I am now about to call the attention of the House. It is certainly written in strong language, but not stronger than the occasion justifies.—The hon. Gentleman read a long statement from the *Freeman's Journal*, dated Mountbellow, county of Galway, Wednesday night, March 25, describing the village of Ballinglass, parish of Kilasobe, and barony of Killyon, county of Galway, and the eviction of a number of tenants from huts they had erected on land obtained from the bog on the estate of a Mrs. Gerrard. The principal features were these:—

"At an early hour on the morning of Friday, the 13th instant, the sheriff, accompanied by a large force of the 49th regiment, commanded by Captain Brown, and also by a heavy body of police under the command of Mr. Cummings, proceeded to the place marked out for desolation; the people were then according to the process of law (I could not procure a copy of the *habere*) called on to render possession, and then the bailiffs of Mrs. Gerrard commenced the work of demolition. In the first instance the roofs and portions of the walls were only thrown down; the former, in most instances, lie on the side of the road. Great pains must have been taken to demolish the houses, as the walls were very thick, and composed of an umber clay, and when the inside turned up good plaster and whitewash always appeared. Not content with throwing down the roofs and walls, the very foundations have been turned up. When this last act had been perpetrated, the 'wretches' took to the ditches on the high road, where they slept in parties of from ten to fifteen each, huddled together before a fire for the two succeeding nights. I saw the mark of the fires in the ditches; every body can see them, and the temporary shelter which the 'wretches' (I cannot help quoting the word so often) endeavoured to raise round them with the sticks, rescued from their recent dwelling.

"A boy there about nine or ten years of age, told us that one of the bailiffs told his mammy not to take in any of the people who were turned out, but his mammy let in an old woman after that. I would not have placed much relianee on this corroboration, except for what you will learn some further on. It is to be hoped, for the sake of humanity and of womanhood, that Mrs. Gerrard is ignorant of that order. I expressed a wish to be direeted where I could meet some of the poor people, when the man said, 'Oh, here is one of them coming down the hill.' This person who soon joined us was old, and as he raised his hat to salute me, his fine white hair floated on the breeze. He was a fine athletic handsome old man, with a mournful countenance, and as he addressed me in the beautiful and simple salutation of the country, with 'God save you, sir!' (he spoke English very well) I felt a reverence for the old, ill-treated, and unhappy man.

"Are you one of the people who were recently turned out? I inquired.—Indeed, I am, Sir, said he, with a heavy sigh.

"How old are you, Sir?—Nearly eighty.

"How long did you reside in the village of Ballinglass?—Over sixty-eight years, Sir; and he burst into tears.

"How many in family have you?—Three, together with myself; but I had a great deal more than that. Some of them are dead and gone, and well for them they didn't live to see this desolate day: others of them are married, and some more of them are gone to America.

"How much land had you?—Why, I can't rightly tell, as there are no regular farms, but there was over 400 acres belonging to the village.

"Did you owe any rent?—I did, Sir.

"Were you able to pay it?—I was, Sir, and willing, too, but she wouldn't take it for the last five half years.

"Why so?—Why, because, Sir, she wanted to throw down the houses to make bullock pastures.

"Did you ever offer the rent to the lady?—I did, Sir, more than twenty times, and I offered it to her agent also, but they would not take it. We went to the hall-door (meaning the hall-door of the lodge already mentioned) often with the rent, but they would not take it from us. Every man in the village but one offered the rent over and over, but they wouldn't take it; and we offered to pay that man's rent, but they wouldn't take that either.

"Is it true that the remainder of the walls were

ordered to be thrown down to prevent the people from sheltering themselves at night? —In truth it is, Sir; they wouldn't let any one go near the place; we slept in the ditches for two nights, and I got pains in my poor old bones after it.

"Did the women sleep in the ditches?—They did, Sir, and I saw one of the women with a child at her breast hunted by the bailiffs from three places the night after; they threw down the houses when we were under the walls, and they came to put out the fires, and they put out the fires in the road ditches on us too."

The report then proceeds to give a list of the persons, from which it appeared that sixty-one families, numbering two hundred and seventy persons, had been evicted.

"It appears that the 'one man' so often before mentioned who refused to pay the rent, had some of his land let to under-tenants. He went away leaving some rent due; the people offered the rent which they used to pay this man to the agent of Mrs. Gerrard, and demanded receipts, but he would not give any receipt except one 'on account' of rent due. The people owed no rent, and therefore they refused to take receipts on account."

That was the statement. He was bound to say that of the transactions he knew nothing of his own knowledge, but taking the representation of them as correct, here was a picture of an Irish village! This was a picture of the civilization which had been introduced into Ireland. Why it would be better for Ireland to return into the state of barbarism which existed before the English connexion than to enjoy such a state of civilization as this. At least it was right, when the House was called upon to enact coercive measures, that they should know what were the circumstances which stimulated the people of that country to outrage. Give fair play to both parties, that it might be known against whom coercive measures should be passed; whether against the peasantry, by locking them up in their homes away from their lawful occupation, or against the landlords of Ireland, by passing some measures by which they should be compelled to perform their duties. He had done what he conceived to be his duty, and it would be for the House to determine what course they would take. The hon. Member concluded by moving—

"That an humble Address be presented to Her Majesty, to inform Her Majesty that the attention of this House has been directed to a case of ejectment of tenantry which has recently taken place at a village named Ballinglass, in the county of Galway, in which it is stated that not less than sixty-one families, comprising 270 individuals, have, in one day, been expelled from their habitations, under circumstances the most cruel and heartrending, and to pray Her Majesty, that She will be graciously pleased to give directions that the Stipendiary Magistrates, and other officers of the Irish Constabulary, who are in the habit of reporting to the Executive outrages committed by the peasantry of Ireland, or such Commissioners as Her Majesty may be pleased to appoint, be required to furnish to Her Majesty's Government such authentic information respecting the facts of this case as they may be able to collect upon the spot, and that such Reports may be laid before Parliament at as early a period as possible."

Sir J. GRAHAM said, that the hon. Gentleman declared that he knew nothing whatever of the transaction except what he had collected from newspaper report, which he had read, and which, he said, had been positively contradicted in another newspaper which he had not seen. He took it, that the hon. Gentleman knew nothing of the transaction except from newspaper report. He wished he could state that he entirely discredited it. He had already stated that under the present circumstances of Ireland, he had expected that Irish landlords would exhibit more than ordinary forbearance—that they would do so in the present unhappy circumstances of Ireland; and generally there had been that forbearance exhibited. The hen. Gentleman talked of outrages that had been committed. He was confident that there was no person in that House, but had a sincere desire that outrages should not be committed, and when committed should be suppressed by all lawful means. But, to render Ireland habitable, tranquillity should be preserved. He must say that that terrible system which went under the name of "clearing estates," ought to be discountenanced; and if it proceeded it would be absolutely necessary to check it by legislative means. At present he knew nothing of the facts of the case. Having made this statement, he thought the hon. Gentleman would agree with him that it would be superfluous to move an Address to the Crown, as the matter was under inquiry by the competent authorities, and the Ministers had not yet received the information. When that information was received, he should be prepared to inform the hon. Gentlemen and the House what on inquiry were the real facts. In the meantime he thought it only justice to the parties concerned that the House should suspend their judgment, these allegations having been met by a positive denial.

Mr. SMITH O'BRIEN observed, in reply, that it was not with any view to give sanction to outrages that he had made the present Motion. He had no desire to

be popular with murderers; he had denounced such crimes in language stronger than any that had been used in that House; and he had more than once exposed his life to danger in an endeavour to suppress such crimes. His object was to impress on the House the necessity of taking some steps to remove the causes of these crimes. He would withdraw the Motion on the understanding that the right hon. Baronet would lay before the House the results of the inquiry.

Motion withdrawn.

HIGHWAYS.

Sir J. GRAHAM rose to move for leave to bring in a Bill to amend the Laws respecting Highways in England. In addressing the Speaker, he was addressing one who was peculiarly conversant with this subject; and the Bill which he sought to bring in was the result of the great attention and labour which the Speaker had bestowed upon it. The House was aware that the sum levied for the maintenance and repair of highways in England annually amounted to 1,600,000*l.* Not only parishes, but minute subdivisions of parishes, supported and maintained their various highways, and a number of officers were employed. In the Act brought in by the Speaker, a permissive power was given to parishes to unite for the purpose of conjointly maintaining highway and other paid officers. This power being permissive and not compulsory, had not been brought into general use; and the principal object of the measure which he sought to introduce was to substitute a compulsory for a permissive power. To make the new enactment perspicuous and perfect, he had thought it better to repeal all existing laws with respect to highways, and to introduce a Bill re-enacting and consolidating the whole. The first important provision was, that districts should be formed throughout England and Wales, generally speaking, coterminous with the registration districts. He proposed to give to the Enclosure Commissioners, a body constituted by recent Act of Parliament, the power of forming and regulating the districts. That would reduce the number from 1400 or 1500 to 550. The Bill would then provide that, for each district, a surveyor should be appointed, to be a paid officer, with assistant sub-surveyors. The power of appointing surveyors should rest with the local board in each district, the salary being fixed by them, and the choice of the officer subject to the veto of the Commissioners; the power of dismissing officers should be with the Enclosure Commissioners, and concurrently with this power of dismissal should be the power of dismissal on the part of the board. With respect to the election of the board, he proposed that it should be elected for two years by all rate payers in each parish and township maintaining its own roads. Each parish or township was to be represented at the district board by one or more way-wardens, as the Enclosure Commissioners should determine. No hamlet, containing less than four miles of road, had the right of choosing way-wardens. He proposed that there should be two paid officers in each district; one the surveyor, the other the clerk of the board. He proposed that there should be a general annual meeting, in which the accounts of the whole year should be made up, and the estimates of repairs for the ensuing year should be brought under their consideration by the paid surveyor of the district. He proposed that the accounts of the district should be annually audited; and he would suggest, inasmuch as it accorded with the plan of his right hon. Friend, that the Poor Law Auditors should audit annually the highway accounts. These accounts, so audited, should be transmitted annually to the Enclosure Commissioners, and they should report annually to the Secretary of State; and each report, together with the abstract of accounts, should be laid annually before the two Houses of Parliament. He gave also the power, by the unanimous consent of the way-wardens forming the district board, to convert the charge of the highway district into a union charge, instead of a parochial or township charge, with the consent of the parochial commissioners. He proposed that three rates should be made in the district, one district rate for the joint expenses, salary of the surveyor, salary of the clerk, and the general expenses of the board, the proportion for the district to be submitted to the Enclosure Commissioners in London, and receive their sanction. If the district should come to the resolution to make the charge a union charge, then only one rate would be necessary; but if they should not be so disposed, then there must be two rates levied: one district rate for the district charges, and, as at present, a parochial or township rate for the maintenance of the roads. He proposed to retain the present maximum rate of 10*d.* a rate; and that there should be no

more than three rates in the course of a year, thus making the maximum highway rate per year 2*s.* 6*d.* in the pound. He proposed also that the rate should be collected by the collector of the poor rate; and with respect to the remedy in case of non-payment, and also in appeals, that it should be identical with that which at present regulated the collection of the poor rate. He proposed further that power should be given to borrow money for effecting improvements of the highways with the consent of the Enclosure Commissioners, providing that the principal and interest should be paid within twenty years. And with the view of enabling the Commissioners to form a judgment before any outlay of such borrowed money was made, he would give them the power to send down an inspector to make a survey, and report upon the condition of the highways, and the expediency of effecting the projected improvements. He preserved all the existing liabilities to repair, and also retained all the principal provisions which were so recently sanctioned by Parliament. With reference to South Wales, he should state that there were particular provisions in the Acts regulating the turnpikes in that part of the Principality, which would appear to interfere with the extension of this Bill to the highways there; therefore he should suggest that South Wales should be exempted from the operation of this amended Highway Act. The right hon. Baronet concluded by moving for leave to bring in his Bill.

Leave given. Bill brought in, and read a first time.

House adjourned at a quarter to One o'clock.

HOUSE OF LORDS,

Friday, April 3, 1846.

MINUTES.] PETITIONS PRESENTED. By the Duke of Roxburghe, from Attorneys and Solicitors practising in Plymouth, against Real Property Deeds Registration Bill.—From the Governors of the King's County Infirmary, for the Better Regulation and more Efficient Support of Medical Charities (Ireland).—By the Earl of Clancarty, from several Members of the Medical Profession residing in Cork and Portarlington, for Adequate Remuneration for certain Public Services.

EVICTIONS IN IRELAND.

The EARL of CLANCARTY begged to state, that he had received a copy of a letter from a gentleman named John G. Holmes, addressed to the Marquess of Londonderry, in reference to the evictions of tenantry which were alleged to have lately taken place in the county of Roscommon, and to which the noble Marquess directed the attention of their Lordships on a former evening. The noble Marquess had gone abroad, and would not return for a considerable time. [The noble Earl then read the letter.] This letter suggested an inquiry into the circumstances, and enclosed a letter which Mr. Gerrard had written to the editor of *Saunders' News Letter*, in reference to the evictions, with a request that it should be read in their Lordships' House. The statement to which the noble Marquess had directed their Lordships' attention was an *ex parte* statement. He (the Earl of Clancarty) considered Mr. Gerrard's letter as being of the same character, and should therefore abstain from reading it. But while he thought it sufficient to state that application had been made for inquiry through the channel he had mentioned, he had in the meantime to request from their Lordships a suspension, at least, of their judgment on the matter.

House adjourned.

HOUSE OF COMMONS,

Friday, April 3, 1846.

MINUTES.] PUBLIC BILLS.—*Reported.* Railway Deposits, &c.

PETITIONS PRESENTED. By Mr. Packe, from the Electors for the Southern Division of the County of Leicester, alleging Fraudulent Objections to Votes of Electors.—By Sir James Graham, from Members of the Roman Catholic Church in the Counties of Durham and Northumberland, and others, for Alteration of Law respecting Roman Catholic Chapels.—By Lord John Russell, from Natives of the Principality of Wales now residing in London, against the Union of St. Asaph and Bangor Dioceses.—By Mr. Hindley, from Bankers, Merchants, and Manufacturers of Ashton under Lyne, for a Speedy Adjustment of the Measure respecting Customs and Corn Importation.—By Lord John Russell, from Inhabitants of Paddock, and Factory Workers in the employ of William Christy and Sons, for Limiting the Hours of Labour in Factories to Ten.—From the Regular Operative Funnel Cleaners (heretofore designated as Chimney Sweepers) of the City of Dublin, for regulating their Occupation by License.—By Mr. Antrobus, Mr. Estcourt, Mr. Sidney Herbert, and Lord Harry Vane, from a number of places, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunacies Act.—By Mr. M'Carthy, from President and Members of the Medical Society, for Better Regulation of Medical Charities (Ireland).—By Lord Harry Vane, from Inhabitants of Stockton on Tees and New Shildon and its Vicinity, against Enrolment of Militia.—By Mr. Poulett Scrope, from Ratepayers in the Parish of Brinklow, against the Poor Removal Bill.—By Mr. Wakley, from Members of the National Association for the Political and Social Improvement of the People, meeting at the National Hall, High Holborn, against the Protection of Life (Ireland) Bill.—From Members of the Leeds Stock Exchange Association, for deferring the Third Readings of Railway Bills.

PROTECTION OF LIFE (IRELAND) BILL.

The Order of the Day for resuming the

Adjourned Debate from March 30, on the Protection of Life (Ireland) Bill having been read: on the Question that the Bill be now read a First Time,

Mr. O'CONNELL said: In rising to propose an Amendment to the Motion of the right hon. Baronet, I promise the House to be as brief as I reasonably can; and if I should trespass upon its patience longer than my own inclination would dictate, I trust that the importance of the question will plead my excuse. The case on behalf of the promoters of the Bill has been stated by the right hon. Baronet in a manner which it is impossible should give dissatisfaction to any quarter. I will not say one word against that manner. I never heard a harsh measure more moderately proposed; and there is, I may say for us, danger even in moderation. The only attempts of the right hon. Baronet at anything like the colouring of oratory was, when he attributed the crimes to causes out of which they have not arisen. I do not think he has shown in the slightest degree, he scarcely attempted to show, that the evils, such as they are, would be remedied by this measure: in fact, he only alluded to the Bill just to vindicate the severity of its provisions, by comparing it with former enactments. He did not show, or attempt to show, that this Bill would remedy the existing evils, or prevent the crimes with which we are unhappily menaced in Ireland. There were, however—shall I call them admissible?—statements made by the right hon. Baronet that are highly consolatory. It is consolatory to know, on the authority of Government, that there is nothing political in the crimes charged against Ireland—above all, that there is nothing religious, or belonging to any sect or religion, in the crimes themselves—that they are equally perpetrated against persons of every species of politics, against persons of each religion—that the Roman Catholic religion is no protection to Roman Catholics, and Protestantism no incentive against Protestants. It is confessed by Her Majesty's Government, and it is an undoubted fact, that there is nothing in these outrages which partakes either of sectarianism or political bias. I will now proceed to notice other statements made by the right hon. Baronet. He said distinctly, that out of thirty-two counties in Ireland twenty-two are free from disturbance: there are five in which it is partial, and five more where it prevails to a greater extent. Thus, no less than two-thirds of the entire country are perfectly free from any taint of the guilt belonging to others. Then, the right hon. Baronet has clearly told us, that even in the counties actually disturbed the great majority of the inhabitants have not participated in the disturbances; they are confined to a comparatively small minority, which is engaged more or less in outrages. Therefore, a Coercion Bill is utterly unnecessary, according to the confession of Ministers, for the great body of the population of Ireland. There are, it seems, five counties requiring, as the right hon. Baronet contends, harsh measures; only five counties, and in those the great majority of the inhabitants are free from guilt. Before I proceed farther, again let me remind the House, and I do it, I may say, in the presence of the press of England, that however they may assume that the disturbances have a political basis and a sectarian origin, the Government has declared and decided the contrary. I will now notice one or two of the particular cases alluded to by the right hon. Baronet. First, as to the case of the wife and husband in the county of Tyrone, I did not think it could have been mentioned as a proof that crime calling for this Bill existed in Ireland. The county of Tyrone is as quiet as any county in England, or as any district on the face of the globe: crime, such as it was, was diminishing, and the horrible outrage referred to was one of those acts of delinquency which are sometimes committed in the best regulated and most civilized communities. It ought never to have been made one of the features justifying this measure. I am borne out most completely by evidence when I speak of the tranquillity of Tyrone. Next, I will allude for a moment to the letter the right hon. Baronet received from Mr. P. B. Ryan, "my faithful friend." Of Mr. Ryan we shall hear more; but I must at present read one passage from a local paper, which will serve to show the degree of veracity to be attributed to this worthy gentleman:—

"Mr. P. B. Ryan.—We regret being under the unavoidable necessity of postponing the able and masterly reply of P. Fogarty, esq., of Cabra Castle, to an extraordinary letter which has recently been published, with the name of the above gentleman signed to it. Mr Fogarty says, that the Thurles bench of magistrates should be appealed to in relation to Mr. B. Ryan's wonderful letter."

So we shall certainly have full information as to that gentleman's veracity. Before I enter into the subject more at large, I wish

to recall the House to the fact of the unhappy assassination of Mr. Pierse Carrick. Now, I think it would be well that the House should distinctly understand that case—not as reflecting upon the character of the unhappy murdered man—not for the purpose of palliating in the slightest degree his murder. It is a crime that no man not fit to be a participator in the murder would attempt to justify, or even to palliate. I feel almost unwilling to go into the question of the causes of that murder, lest it should have the appearance—it could not have the reality—of palliating it; but it is necessary that the facts should be known by the House. We are appealing to you—we are appealing to the House—for the notice I give is a notice of appeal to the House to eradicate the causes of crime—and to enable you to do so, you must distinctly understand why it is that those wretches are tempted to commit—if they cannot be justified in committing—crimes of this description. Now, I have the local newspaper which contains a paragraph relative to the conduct of Mr. Carrick. It states this—but it will be less tedious to the House that I should make this statement with reference to Mr. Carrick. Unhappily he was the agent of a young gentleman under age. He got the tenants to pay their rents, by a promise that as soon as the young gentleman came of age, 25 per cent should be taken off their rents. The young gentleman came of age. Mr. Carrick did not call upon him to perform his promise—he sent out a valuer to value the lands—the tenants thought that a reduction of rent would follow the valuation; but the valuation was higher than the existing rent, and they were obliged to pay that high rent And when they came to expostulate with the valuator, what did he say? He said, he did not value the lands at all; that he got a cut and dry valuation—that was the phrase he used—from Mr. Carrick, and he only made a return of that which was dictated to him. Mr. Carrick told the tenants they must take out leases; and when they came with their rent, the first thing he did was to stop 10*l.* from each tenant for the expense of a lease. They paid 10*l.* each—they were obliged to go home to collect money to make up the deficiency in the rent; but from that day to the day of his death they never got a single lease. If he had lived one week longer, he would have got an *habere* and turned out thirty-one families, And here, again, let me solemnly protest—I am sure I need not—that I do not consider any of these acts as an excuse, or a reason, or even as the slightest palliation of his murder. No, they are not; it was a horrible murder—it was an atrocious murder—it was a crime that is deserving of the severest punishment that man can inflict, and which causes the red arm of God's vengeance to be suspended over the murderer. I want the House to prevent the recurrence of such murders. You are going to enact a Coercion Bill against the peasantry and the tenantry; and my object is, that you should turn to the landlords, and enact a Coercion Bill against them also, when they attempt to commit those abuses of property. They have a legal right; but I say those abuses of property are really the stimulants to the worst of crimes. Now, the Amendment I mean to propose is this:—

"That while this House deplores the existence of outrage in Ireland, and is sincerely anxious for its repression, it is of opinion that such outrage will be aggravated, not removed, by the arbitrary, unjust, and unconstitutional enactments of this Bill; and that it is the duty of Parliament to adopt such measures as will tend to eradicate the causes which produce those crimes, instead of resorting to laws which will harass and oppress the innocent without restraining the guilty, and which being restrictive of public liberty cannot fail to augment national discontent."

Sir, my Motion, the House perceives, is directed to remedy the evil complained of. It does not controvert the fact—unhappily, it cannot controvert the fact—of the existence of crime which the Government has stated. There is no doubt that atrocious murders have been committed—there is no doubt that the number of those murders is not diminishing. The question is, what is the proper method of preventing the recurrence of these crimes? If I thought that would be effected by this Bill, there is not a man in this House that would vote for it more readily than I would. But I solemnly declare that my opposition to it is founded upon this—that I am convinced the words of this Resolution are true; and that this Bill, instead of leading to the amelioration of crime, will augment it, and increase the number of the victims. Now, just look at the Bill for one moment, and you will find that it is calculated, take it at the best, to inflict a penalty of a most grievous nature upon many innocent persons, with the chance of reaching a few guilty. It certainly will inflict a penalty upon many innocent persons, in the expectation of reaching a few of the guilty; and even that is

an expectation which is not likely to be realized by this process. Now, I shall call the attention of the House to the clauses of this Bill itself. You should understand distinctly what it it is the Bill contains, and how little applicable it is to the suppression of crime. The right hon. Baronet did not distinctly state the clauses of the Bill in proposing it. He merely alleged former Bills of this kind, and, amongst other things, he attempted to show that I had formerly assented to this penal clause, for which purpose he quoted *Hansard*. Now, Sir, I am as ready as any man to have any clause introduced, which, without violating constitutional principle, will have the slightest tendency to repress crime of any kind. The first provision of the Bill is to give to the Lord Lieutenant arbitrary power. It gives him the power, at his will and pleasure, without assigning a reason, with-the necessity of proof of any form, to proclaim any part of Ireland he pleases. The allegation that the proclamation is necessary may be unfounded in fact, and, therefore, the proclamation equally unfounded —utterly unfounded in fact ; but no contradiction of the allegation can be received, for there is a clause in the Bill by which to the proclamation itself is declared be conclusive evidence of the fact ; so that the *sic volo sic jubeo* of the Lord Lieutenant is quite enough to authorize the issuing of the proclamation, though the Bill, to be sure, says that he must have some pretext for so doing—that there shall be some disturbance in the district. The Lord Lieutenant can also add an adjacent district to a district so proclaimed ; for instance, if the county of Monaghan were proclaimed, the county of Tyrone, or any part of that county, can be proclaimed by reason of the disturbances in the county of Monaghan, and the *habeas corpus* will no longer be of any value in any such proclaimed district. The most unlimited powers are then given to the Lord Lieutenant to charge any of those districts with any sum of money he pleases. There is no limit to it but the possibility of its being paid. He can give any sum of money by way of recompense or compensation to any person that is injured. I do not so much complain of that—the grand jurors have something of a similar power—but what I do complain of is, that by this enactment the power given to the Lord Lieutenant is unlimited. There is no control over him, as in the case of the grand juries, whose presentments may be traversed, and who, having themselves to pay part of the money, would be cautious not to give too much to any suffering person. But the Lord Lieutenant has no limit to his power ; he can give any sum he pleases, and there is no traversing his presentment, or controlling it. In the next place, he can give a reward to any person he pleases. In short, he has the most unlimited power to reward that it is possible to give. He has next the power of increasing patronage unlimitedly in those proclaimed districts. He has the power of appointing as many stipendiary magistrates as he pleases. He has the power of appointing inspectors of police, and chiefs of police, and sub-constables, and officers, and privates of police, as he thinks fit. Uncontrolled, unchecked, without any legal possibility of preventing it, he has those powers. He has the power of compensation to any extent—he has the power of giving rewards to any extent, and of appointing policemen and officers of every description to any extent he chooses. The effect of that may not be easily understood in this country, but it is well known in Ireland. I am not accusing any Government; it is an accusation against human nature. Persons who are at all likely to get into the police have been known more than once to fabricate outrages, and represent the country to be in a state of disturbance to effect their own purposes. Now, let me tell the House how this money is to be levied. It is to be assessed by a person to be appointed by the Lord Lieutenant. No magistrate, no grand juror, or country gentleman, or lawyer, or judge, has power to control it. The Lord Lieutenant appoints a person to levy the tax. He is limited only according to the poor rate, but is not limited by the poor rate. Any person having a holding under 4*l*. yearly pays no poor rate, but he must pay the tax under this Bill. No person is so poor as to escape taxation under this Bill; but if a man be once rich, he is secure from it, for the lessor is not to be liable at all. The lessor is quite free, the owner is free, the country gentleman is free for his domain; he will pay nothing for his domain : the wretched cottager, or the day labourer, when he gets a day's labour, must pay the tax, but the squire in the large mansion-house pays nothing. The justification of the right hon. Baronet was, that the grand jury have the power of charging their counties by previous Acts. Why, they have; but what is the precaution taken ? No additional force of police could be sent into a county without a de-

mand from the magistrates. The magistrates who were to assess for it were to make the demand; one half of the money was paid by the Government, and the other half by the county; and it was levied through the grand jury, who were to present for it. They had an opportunity of investigating the account, and their personal and individual interests induce them to make it as little as they could. But by this Bill no grand jury or magistrate can interfere: the whole is done at the will of the Lord Lieutenant, who appoints his taxmaster-general to go about and levy contributions. That tax falls upon the poor, and the rich man escapes, and yet this is called a Bill to make life and property secure in Ireland. How is it to do that? The wretched man scarcely able to exist at present—poor as poor can be—scarcely able to pay his rent—will have, in addition, that enormous tax to pay. If he refuse to pay it, you can get a stipendiary magistrate, or any other magistrate, to call out the army or the police to go and distrain and sell the goods by force, if necessary; you give an irresistible force for the levy being made with certainty; but what becomes of the man against whom the levy is made? Have you conciliated him—have you rendered him less liable to commit offences? Will it make him better disposed towards the noblemen and gentlemen who pay nothing? Nay, in what situation do you place him and his landlord? One of the greatest grievances of Ireland is the clearance system. See what an adjunct this measure will be to the clearance system. The landlord has additional powers to levy his rent—he has already too much; but in addition to that, the poor man is obliged to guard the rich man by the payment of taxation. He must give up possession of his holding whenever the remnant of his property is sold, and when he has no property, but is a starveling in the land. What security can you have against the wild madness of a wretch of that description? It is likewise an additional stimulant to clear the land; because a man must necessarily be a bad tenant when this additional burden is put upon him. When the landlord enters into possession, he has not this additional tax to pay, so that he derives an advantage from clearing it. In addition to other stimulants to clear it, he has the reward in anticipation of not having this tax to pay when he has cleared the land of his tenantry. The next thing I quarrel with is the power given by this Bill to arrest any person found in houses (not being inmates thereof or travellers) within the proclaimed district. It enacts that any person or persons found in any proclaimed district in any house of public resort, licensed or unlicensed, in which malt liquors or spirituous liquors are sold or consumed, or in any house, shop, or other place of public resort wherein tea, coffee, provisions, liquors, or refreshments of any sort are sold or consumed, whether kept or retailed therein, or procured elsewhere (not being there for travellers), after one hour after sunset and before sunrise, shall be deemed guilty of a misdemeanor. I should be glad to know what houses will escape? Why, even the consumption of water in a house will authorize them to break into such house, and into every room of that house. If the person authorized to enter a house be delayed an unreasonable time (he is to judge himself of what is an unreasonable time), he has power to break into the house. The rich man is safe, and liquors, and coffee, and tea may be consumed in his house; but no poor man's house will be, or can be possibly secure one moment from being broken into. Is this, I ask, the way to make the people respect the law? Is this the way to make them look to the law for protection? This is an Education Bill—this new plan of coercion; but are they likely to be taught any great reverence for the law of the land, when they find armed policemen breaking into the rooms where their wives and daughters are lying, under the pretence of searching for some person not a regular inmate of it? Now, let me remind the House that it stands admitted that, even in the disturbed counties, the majority of the people are free from taint, but they are not to be free from the tax. The entire majority must pay the tax in order to get at the guilty minority. We tax the poorest of the people in hope of what? In hope of educating them to detect persons who commit crime. Do you think you can ever succeed in that? What motive could they have? You want to intimidate them into exerting themselves to preserve the peace. On what principle are they to do that? It has been urged in support of this measure, that there was an old Saxon law which rendered the vicinage liable for every person in it; but let it be recollected that at the time the owners were the principal men in the district: they were armed, they had the magistrates, the law, the sheriff, the power of the county with them; they had the legal authority to

arrest every person; but what legal authority has the Irish peasant, what *posse comitatus* can he command? The thing is unfounded in principle, and must be most mischievous in practice. I declare most solemnly I think it will be almost impossible to prevent an insurrection if this Act be carried into effect. You may have a sanguinary warfare that can only end in ruin and destruction. The Irish people are unarmed, and in your power; they are weak, and you are strong. I would here observe, that on looking over the returns from the two glorious battles lately fought in India, that I find a great number of names in the list exactly resembling the names of the cottagers who were dispossessed by Mrs. Gerrard. But to return to this Bill. I ask, do you hope to succeed in it? Oh, no, you can never hope to succeed in anything so unjust. Do not seek it, but make it the interest of the Irish people—their real interest, to keep the peace. They will let others live when they have the means of living. By this Act of Parliament every offence is made a misdemeanor only, though in some instances punishable by transportation. That is done designedly, of course. It is made a misdemeanor, and why? Because there is no peremptory challenge allowed to a prisoner in cases of misdemeanor. If he were indicted for a felony, he is entitled to twenty challenges; but though you punish him as a felon, you take away from him the privilege he would have if you indicted him as a felon. It is a curious fact in the history of the law, that in the reign, I believe, of Edward II., it was enacted that no person prosecuting for the Crown should challenge a juror, except for cause; but the Judges have allowed the Crown to set aside jurors; so that the Crown has, in fact, unlimited power of challenge, in defiance of the Act of Parliament, of common sense, and of common justice. The next clause to which I shall call the attention of the House is that which makes being out of a dwelling-house at forbidden hours a transportable offence, unless the party proves himself to be innocent. It is said I assented to a similar clause that will be found in the Statute of 1835. I admit at once that I did assent to the Statute of 1835, and now let us see if it be a similar statute. The present Statute is put in force at the discretion of the Lord Lieutenant; the Statute of 1835 could not be put in force except by the presentment of a grand jury, finding the district to be disturbed, and which could be traversed, as all such presentments can be. By the Statute of 1835 the accusers were bound to prove the guilt of the accused; by this Statute the accused is bound to prove his innocence. By the Statute of 1835, the punishment was fine and imprisonment; by this Statute the punishment is transportation. It is quite fair in Parliamentary warfare for the right hon. Baronet to quote *Hansard*, as the right hon. Gentleman has had it so often quoted against himself; but *Hansard* ought to be quoted correctly, and it cannot be quoted against me in the triumphant manner it has been quoted against the right hon. Baronet. To those who do not know me well—for to those who do it is quite unnecessary—I may be permitted to say that I have done more to prevent the perpetration of crime in Ireland than any man. When I was at the Bar, and was called upon to act as counsel in defence of Whiteboys, I never on any occasion made use of one single expression in mitigation of such description of crime, nor did I ever entertain the idea of doing so. I can produce incontestable proof of this from the testimony of the Crown Solicitor who went the same circuit. I do not deny the existence of those crimes, but I do propose the proper means to put them down. It is curious enough that by the 9th Clause, for the punishment of those found out of their houses at night, it is enacted that they shall be guilty of misdemeanor, and this clause is much relied on; but is not crime committed by day as well as by night? Are not murders committed in the open day? And yet you propose to leave the day for the commission of crime, and to apply the Coercion Bill only to the night. Nothing afflicts me more than the title of the Bill: "An Act for the better Protection of Life, and to facilitate the apprehension and detection of Persons guilty of certain Offences in Ireland." Now, how will it protect life? No protection is afforded by it by day, but by increasing the constabulary force, which can be effected by the existing law. The Bill does nothing to meet the case; but will make the people more discontented: its only effect will be to create a feeling of exasperation, and make them more intent on the commission of crime. What I call upon the House to do is to insist upon a strict investigation into the causes of these crimes, and then to eradicate them by the removal of those causes. It may be said that the Bill is in safe hands,

and that abuses of its power will not be allowed. But let me give the House a few instances of cases of abuse under the powers of former Acts by which a district was proclaimed, and of which the same assertion was made. I may observe, that as for attacks by night by gangs of armed men, the punishment of the law for such offences is very severe at present. If any man is found out armed at night in a disturbed district, he is adjudged to be guilty of a misdemeanor; and punished by fine, imprisonment, and whipping. This is not light punishment; for I have known instances under this Act where men have been nearly flogged to death. On former occasions, I referred to the operation of similar Acts of Parliament, to that now proposed; I will now refer to evidence on this subject. The following evidence will show that this is no idle apprehension. In the Lords' Report, 1824, page 259, Wm. F. Tighe, Esq., county Kilkenny, says—

"I spoke to several of the magistrates, requesting that they would omit, in their application for the Insurrection Act, the barony of Ida and the barony of Gowran, south of Thomastown.

"You were not aware of any disturbances at that time in the barony of Ida, or the southern part of the barony of Gowran?—I was not.

"Do you know on what grounds the magistrates recommended the proclamation of either? Several of the magistrates told me that if they did not proclaim it, the disaffected would take refuge there. The answer I made to them was, 'When they do so, and when it is disturbed, then, and not till then, apply to have it proclaimed.' . . . . I have since received a letter from my agent, in which he states that he has seen a notice posted in the town of Innistiogue, by order of the magistrates, prohibiting all persons from being out after sunset, and particularly the fishermen. He further states that it his intention to appear at the petty sessions of magistrates, to request them to exempt the fishermen from that order; as, if they were prevented from fishing at night, the principal means of support of several families would be taken away. He informs me that during the summer they can only fish at night on that part of the river (Nore)."

John Dunn, Esq., Queen's County, page 423, says—

"I am particularly acquainted with that part of Kilkenny now under proclamation, adjoining the Queen's County.

"Had there been any disturbance in it at the time the Act was put into execution?—Not in the barony of Innisfadden, adjoining the Queen's County: I am aware of none.

"Can you state on what ground it was the Insurrection Act was applied for as far as respects that barony, and the circumstances attending it?—I understand that some few trees, some two or three, had been felled in the domain of Lady Ormond, and I am not aware of any other transaction at all that could justify the application of such a measure."

Report of Committee of the House of Commons, 1825.—Major General R. Bourke, J. P., Limerick County, asked, p. 331:—

"Do you recollect the introduction of the police in the county of Limerick, under the Peace Preservation Bill?—I do. There had been a county meeting held, at which it was resolved that the state of the county did not then require the introduction of the police; and shortly after that county meeting, at the spring assizes following, the grand jury applied to the Lord Lieutenant to place the county under the Peace Preservation Bill.

"And on that application, notwithstanding the decision of the county at large, the police were introduced?—They were introduced.

"What description of persons were appointed to that police?—Generally speaking, they were very unfit persons.

"Was the Insurrection Act enforced in those baronies which continued in a state of tranquillity?—It was. There was a memorial sent up from the baronies of Clanwilliam, Ownebeg, and Croonagh, signed by nearly all the resident magistrates, by most of the proprietors, and by clergymen of both persuasions, stating the good order and tranquillity that had prevailed, and was prevailing in the baronies, and how hard it would be to expose the occupiers of the land to a very heavy tax under the Peace Preservation Bill; but the answer received was, that it was in contemplation to send police to the whole county, and that the Lord Lieutenant saw no reason for excepting those baronies."

He begged the attention of the House (the hon. Member continued) to the fact that under Lord Stanley's Act the county of Kilkenny was proclaimed; and it was thought convenient to introduce that Act into the city of Kilkenny, where no disturbances or crimes contemplated by this Act had been committed. On an explanation being asked of this, the answer was that it was for the convenience of the police that the Act should extend to the city of Kilkenny. So, then, for the sake of the police, the city of Kilkenny was proclaimed, and its inhabitants were exposed to all the severe enactments of this law, and this without any ground whatever. He wanted the House not to place such discretionary powers in the hands of any Government, for the bad use that had been made of them might be made again. It might be said, that, in consequence of the commission of some horrid murders, this was an experiment which should be tried. If no Coercion Act had ever existed before, he might listen to this suggestion; if the experiment had been tried on once and failed, he might be induced to try it again: even if it had failed a second and a third time, there might he some reason in asking to try it once more; but they had had Coercion Acts seventeen times since the Union, and they had uniformly

failed. Such are some of the blessings of the Union. Sometimes the Coercion Bill was divided into two parts; but the list which he was about to read gave an accurate statement on the subject. The hon. and learned Gentleman read the following document:—

"1801, two Coercion Acts; 1802, July, two Acts; 1803, December, two Acts; 1805, February, one Act; 1807, August, two Acts; 1814, July, one Act; 1817, June, one Act; 1822, February, two Acts; 1823, March, one Act; 1831, October, one Act; 1833, April, one Act; August, one Act; total, seventeen different Acts. Observe, that the first of these Acts in 1801 was intituled 'An Act for the protection of His Majesty's Subjects in Ireland. The Habeas Corpus Act was suspended from the Union until 1805, when the Whigs allowed it to revive. Suspended again from 1807 to 1810; again from 1814 to 1818; again from 1822 to 1828; again from 1829 to 1331; again from 1833 to 1835."

By several of these Acts trial by jury was abolished; regarding insurrectionary crimes, a bench of magistrates, with a King's counsel, were authorized to transport for any such offence. This was not a dead letter. Now, were all these instances to be regarded as experiments? Under these Acts all the social guarantees were trampled under foot, trial by jury was superseded, and the powers of the magistracy were increased to a most alarming extent. But did this put a stop to crime? A lull might be created for a short time, but after it passed there was always an increase of crime. It appeared, then, that this was a process which they were called on to go on with. The right hon. Baronet (Sir James Graham) said that Lord Stanley's Bill had been carried into effect, and succeeded. Was this so? Lord Stanley's Bill was not acted upon. It originated in the disturbances respecting the collection of tithes. The Government had taken up the tithe campaign, and had filled the barrack-yards with the crops of the tenantry which had been distrained for tithes. The Bill passed, but what did the Government do? The first thing was to put an end to the tithe campaign. The distraints for tithes ceased, and the claims of the clergy were bought off, and thus the people were relieved from the payment of tithes. The Government agreed to advance one million to pay off the arrears of tithes; and when it was proposed in that House the right hon. Baronet (Sir R. Peel) called it a vulgar expedient to settle the question. In addition to this, more than 18,000*l.* costs which had been incurred were forgiven or paid off. Then the Bill for changing the direct payment of tithes into a rent-charge passed, and the people were conciliated to a considerable extent by it. If it did not go so far as it ought, it at any rate showed a conciliatory disposition on the part of the Government. He trusted, therefore, that the right hon. Baronet would not again impute the change that took place to Lord Stanley's Bill on the maxim *post hoc, ergo propter hoc.* He was not disposed to speak harshly of the right hon. Gentleman; on the contrary, his wish was to avoid anything of the kind. The first thing, however, the present Government did when they came into office was to adopt a change of system, and the right hon. Baronet declared that concession to Ireland had reached its limits. He did not now reproach the right hon. Baronet for the use of the expression, for it had been withdrawn with great manliness. He did not blame him for inconsistency in changing his opinion. When such a change took place in opinion as happened with the right hon. Baronet, it only showed that he was a wiser man to-day than he was yesterday. He would do justice to the right hon. Gentleman, and say—You did not shrink from any change of opinion, however it might affect you, when you thought it your duty—you performed a great duty to England: in the name of Heaven why not do so to Ireland? Why not try other means with that country than coercion? He did not wish to dwell on the injustice of England to Ireland, but still it should not be forgotten that no country had suffered so much from another; but he would say, let all this be buried in oblivion, and put the people of both countries on an equality, and deal with Ireland as they dealt with England. He would say—Protection to all, injustice to none; and give equal rights and franchises to the people of Ireland with those which you yourselves enjoy. The various Acts you have passed to tranquillize Ireland have been insufficient—your coercive laws have failed; the argument, therefore, was inviting to a conciliatory process. They must have observed what was done in the way of conciliation by the Whigs, and the effect it produced; but there had been a recoil since Gentlemen opposite came into power: crime had diminished during their day, but crime had increased since. God forbid that he should accuse the right hon. Gentleman of this! but he charged them with not looking sufficiently to the state of Ireland and the crimes thereof. One of them opposite, with

a halo around his name, afforded an instance of this, and showed that he was a sadly bad politician. He had read a conversation which had occurred in some other place, and it had appeared in the newspapers, and he saw an illustrious name of one of the parties, to whom sentiments were attributed, which must be regarded as being most calamitous, that he should talk of the prosperity of Ireland, and that the trade of that country was on the increase, and that its imports and exports were on the increase. Since then there had been an increase of exports without a corresponding increase of imports. Where could he have been all this time, and not look to the evidence around him? He could have taken no notice of the reports of the Committee on the state of that country, and of the evidence which had been collected. If these books were consulted, it would be seen that no people in Europe were in so necessitous a state as the people of Ireland. It appeared that 7,000,000 out of the 8,200,000 of the population were engaged in agriculture, and most of them were in a state of distress. He would now proceed to show what was the state of the population of that country, from the evidence of Alexander Nimmo, Esq., civil engineeer. The hon. Gentleman read the following extract from the Report of the Lords' Committee of 1824, to inquire into the State of Ireland page 226 :—

"Your professional intercourse with Ireland has given you the means of general accurate information on the state of the peasantry of that country?

"I have seen a great deal of the peasantry. I have sometimes slept in their cabins, and had frequent intercourse with them, especially in the south and west of Ireland.

"I conceive the peasantry in Ireland to be, in general, in almost the lowest possible state of existence; their cabins are in the most miserable condition, and their food is potatoes with water—very often without anything else—frequently without salt, and I have frequently had occasion to meet persons who begged of me on their knees, for the love of God, to give them some promise of employment, that from the credit of that they might get the means of supporting themselves for a few months, until I could employ them."

The following was the evidence of W. H. W. Newenham, Esq. before the Commons' Committee, 1824, p. 300 :—

"Is the condition of the people very bad in respect to the means of subsistence, and houses, and dress?—Excepting where a gentleman's own residence is, particularly so. I have seen several countries, and I never saw any peasantry so badly off."

John O'Driscoll, Esq. Barrister, (same Report, 1824, p. 380,) gave this evidence :—

"Will you describe to the Committee, generally, the condition of the people, and their habits of living?" "In the part of the country (county Cork) that I am best acquainted with, the condition of the people is the very worst that can possibly be. Nothing can be worse than the condition of the lower classes of the labourers, and the farmers are not much better; (381) they have nothing whatever, I think, but the potatoes and water—they seldom have salt."

Right Rev. Dr. Doyle (Commons' Report, 1825, p. 205) :—

"What is the state of the lower orders in your diocese?—I can safely state to the Committee that the extent and intensity of their distress is greater than any language can describe; and that I think the lives of many hundreds of them are very often shortened by this great distress."

Hon. Gentlemen talked of murders, but were not those murders of the worst description? The witness proceeded :—

"It also enervates their minds, and paralyses their energies, and leaves them incapable of almost any useful exertion."

Page 206, describing the state in which some of the peasantry exist :—

"Thus he drags out an existence that it were better it were terminated in any way than to be continued in the manner it is."

R. De la Cour, Esq. co. Cork, p. 548 :—

"What is the condition of the peasantry?—Wretched in the extreme."

Page 549 :—

"Are the habitations of the people in that country exceedingly miserable?—Miserable, with very few exceptions."

The Report of the Select Committee of 1830 states (p. 4) :—

"That a very considerable proportion of the population (variously estimated at a fourth or fifth of the whole) is considered to be out of employment; that this, combined with the consequences of an altered system of managing land, is stated to produce misery and suffering which no language can possibly describe, and which it is necessary to witness in order fully to estimate."

He begged the particular attention of the House to this (p. 8) :—

"The situation of the ejected tenantry, or of those who are obliged to give up their small holdings in order to promote the consolidation of farms, is necessarily most deplorable. It would be impossible for language to convey an idea of the state of distress to which the ejected tenantry have been reduced, or of the disease, misery, or even vice which they have propagated in the towns where they have settled; so that not only they who have been ejected have been rendered miserable, but they have carried with them and propagated that misery. They have increased the stock of labour—they have rendered the habitations of those who have received them more crowded—they have given occasion to the dissemination of disease—they have been obliged to

resort to theft, and all manner of vice and iniquity, to procure subsistence; but what is, perhaps, the most painful of all, a vast number of them have perished of want."

Such was the effect of the ejectment of tenantry in Ireland. He would not quote individual instances of misery arising from this course, but should refer to general evidence as to the misery of the people, and as to those absolutely dying from want. This was the evidence of Dr. Doyle, and other creditable witnesses. He would now refer to Lord Devon's Report—a document from which the Government could not shrink, he was sure, and no one would charge that noble Lord and his Colleagues with exaggeration. In that Report it was stated—

"That the agricultural labourers of Ireland suffer the greatest privations and hardships;" that "they depend upon precarious and casual employment for subsistence;" that "they are badly housed, badly fed, badly clothed, and badly paid for their labour;" that "it would be impossible to describe adequately the sufferings and privations which the cottiers and labourers and their families in most part of the country endure;" that "in many districts their only food is the potato, their only beverage water;" that "their cabins are seldom a protection against the weather;" that "a bed or a blanket is a rare luxury;" and that "nearly in all, their pig and their manure heap constitute their only property;" that "a large proportion of the entire population comes within the designation of agricultural labourers, and endure sufferings greater than the people of any other country in Europe have to sustain."

He would remind the right hon. Baronet (Sir J. Graham) that he had stated that the number and atrocity of the murders in Ireland was a blot upon Christianity: was not such a state of things as he had just described a blot upon Christianity? This, be it recollected, was forty-five years after the Union, during which time Ireland had been under the government of this country, which had reduced its population to a worse condition than that of any other country in Europe. That was the work of the British Parliament. They had governed Ireland. But what was the testimony borne with regard to the character of the Irish people? There was once an Englishman, Attorney General of Ireland, who said that the Irish people were the fondest of submitting to impartial justice of any people upon earth; that they looked not to any advantage to themselves in going to law, so much as to the strict justice of the case. But he would proceed to more recent times: he would give the House some specimens of the modern character of the Irish people, from the evidence published with the reports laid before Parliament on this subject. He need not appeal to the right hon. Baronet, who had himself admitted the patient endurance of the Irish people. The Devon Commission also spoke of the same fact; and said that the patience and the endurance of the people deserved the attention of Parliament. But the mere admission of that patience and endurance would not do; they should have deeds and not words. They had a strong case; and if they desired to serve that people, they should recollect that it would require a powerful hand and a manly tone and temper—he would say a tone and temper dignifying to human nature, to stand over such an amount of human misery, and, as it were by a touch of the wand, to turn that want into comfort and happiness. But to enable them to ascertain how they should proceed, he would read some extracts for them in order that they might understand the people whom they had to deal with. They were told that the urgency of the case alone justified this sweeping inroad upon the Constitution. The Irish people were dealt with as a nation of assassins whom the ordinary laws of civilized nations could not restrain. Was that their true character? Let the evidence on the records of Parliament testify. Major Warburton, upon his examination before the Select Committee of the Commons, 1824 (Report, page 154), is asked—

"Are any circumstances in your knowledge concerning the anxiety of the population to be employed?—I have known at that period (the time of distress) that any person, in fact, that could afford to give the people one meal a day could get their labour for it.

"One meal of what?—One meal of food of any kind. I believe there were instances of it.

W. W. Beecher, Esq. (same Report, 1824, page 195)—

"I think it (submissiveness towards persons in a higher station) is carried beyond proper respect, and that it is more than is justified. I think they have been unused to fair dealing from the upper orders; and that, if they get it, they are astonished and gratified beyond measure.

"Is there not, at the same time, a strong attachment on the part of the tenantry towards their landlords in cases where they conceive they have been well used?—Very strong."

R. Griffith, Esq., Civil Engineer (same Report, page 231)—

"Do you conceive that if an English gentleman were to engage in the investment of capital in any commercial or manufacturing speculation in the centre of that very district, or the most disturbed part of it, that they would be in any hazard, personal or otherwise?—I think neither himself nor

the property would be in any hazard, provided he treated the people justly, and paid them fairly."

John Dunne, Esq., Queen's County (same Report, page 284)—

"Generally speaking, is their disposition orderly and quiet?—Generally speaking, it is so; and to the want of employment I attribute, in a great measure, much of our unhappy state.

"Is there a great anxiety on the part of the people to be employed?—The greatest possible; the anxiety of the creatures to be employed for any kind of remuneration is wonderfully great.

"Are they industrious?—Very industrious, indeed, if they can only get employment."

Rev. John Collins, P.P., Skibbereen, county Cork (same Report, 1824, page 337)—

"The people feel they exist more by sufferance than by law; but whenever they are treated kindly they are grateful, because they think the kindness extraordinary, and the result of natural benevolence rather than of the law."

James Lawler, Esq., J.P., county Kerry (same Report, page 439)—

"There is no person more amenable to the law than the Irish peasantry, if they are left alone.

"When they find the intention is to deal justly and reasonably with them?—They are the easiest in the world to manage, although they are very wretched.

"Are they industrious—do they work hard?—They are the most industrious people in the world.

"Are they kind and charitable towards each other?—Their charity is unbounded towards each other; they always give something, more or less, according to their means."

Archbishop of Cashel (Lords' Committee, 1825; Report, page 278)—

"Does not your Grace think, from the experience you have had of the common people of Ireland, that they are very grateful for any benefit conferred upon them, and disposed to submit to the authority of their superiors, when treated with justice?—Certainly, their gratitude is great; they are accustomed to act from immediate feeling and impulse, and very much disposed to receive every favour with a respectful gratitude almost bordering on excess."

Colonel W. J. Curry, Agent to Duke of Devonshire (Commons' Committee, 1825; Report, page 300)—

"Do you find the lower orders of the Irish, with whom you deal, in general a grateful class of persons?—They appear extremely grateful at the moment, and I have no reason to suppose they feel ungrateful at any time. I think they are, in general, a very grateful people.

"In general, do you find them easy to be governed?—Certainly, very easy to be governed."

Earl Kingston (Lords' Report, 1825, page 431)—

"Is there a desire to seek employment where it can be found?—A vast desire; they will work for anything, whatever they can get. I have had some offered to me for 3*d.* a day, stout, able men, and glad to get it."

J. S. Rochfort, Esq., county Carlow, (same Report, page 453):—

"No man in Ireland, be he ever so poor, refuses anything to the travelling beggar.

"Have you observed among the lower classes of Ireland a great feeling of charity and kindness?—I believe if they had but one dinner they would share it with a travelling beggar.

"You conceive that benevolence is a strong ingredient in the Irish peasant?—A very strong ingredient."

That was the evidence of of a gentleman of very strong political feelings, which, if anything would have influenced him in giving his evidence but truth and justice, would have inclined him to speak against, and not in favour of the popular side. The evidence went on to say:—

"Do you attribute it (viz., any misconduct or lawlessness) to any defect of natural character, or to political circumstances acting strongly on his feelings?—Certainly not to his natural character, but to the political circumstances in which he is placed."

James Cropper, Esq., of Liverpool, Merchant, (same Report, p. 688):—

"What was the object of your visit to Ireland?—To see the state of the country, with a view to ascertain what was the best means of relieving the distress."

Page 691:—

"Did you observe in Ireland whether there was any anxiety on the subject of education on the part of the people?—Yes; in all my inquiries I received the same answer, that the anxiety for education was very great.

"Which do you consider, the English or the Irish peasantry, to be more desirous of education?—I should think the Irish peasantry."

John Wiggins, Esq., (an English gentleman), Land Agent (Select Committee, Commons, 1830):—

"3993. Do you think there is, on the part of the Irish peasantry, a spirit of industry, and an anxiety to improve, that can be relied upon as a means of eventually bettering their condition?—I certainly do. I think they are energetic and industrious, whenever they see any prospect of their industry tending to their own comfort.

"3994. The effects I have witnessed are really extraordinary; people bringing manure from the sea on their backs, up extraordinary cliffs, such as an Englishman would not fancy to be accessible, and I give them credit for infinite perseverance in these ways. I have seen pieces of land cultivated that it would be thought scarcely possible to get at here (in England).

"4060. Do you recollect the failure of the crop in 1821?—I do.

"4061. Was there not a very great pressure upon different parts of Kerry, at that time, from that failure?—Very considerable. I think out of a population of 230,000 in Kerry, 170,000 were reported to have been destitute of the means of subsistence for the moment; and it ought to be

remarked, to the credit of the people, that not a single depredation on property took place."

In his Second Report upon Poor Laws, Mr. Nicholls states (paragraph 31), that in Donegal—

"there was no employment for the young people, nor relief for the aged, nor means nor opportunity for removing their surplus numbers to some more eligible spot; they could only, therefore, live on hoping, as they said, that times might mend, and their landlords would sooner or later do something for them. Yet with all this suffering, no disturbance or act of violence has occurred in Donegal. During the severe privations of last summer, when numbers were actually in want of sustenance, there was no dishonesty, no plundering. The people starved, but they would not steal; and although their little stock of cattle and moveables has been notoriously lessening these last four years, and especially in the last year, which seems to have swallowed up nearly all their visible means, they have yet paid their rents. The occupier's share of the produce has been insufficient for his support, yet the landlord's share has generally been paid in full."

He would cite again the Devon Commissioners (Devon Report, page 12):—

"Our personal experience and observations during our inquiry have afforded us a melancholy confirmation of these statements. And we cannot forbear expressing our strong sense of the patient endurance which the labouring classes have generally exhibited under sufferings, greater, we believe, than the people of any other country in Europe have to sustain."

And at page 36, already quoted:—

"Up to this period, any improvement that may have taken place is attributable, almost entirely, to the habits of temperance in which they have so generally persevered, and not, we grieve to say, to any increased demand for their labour."

Such were the people that the House had to deal with—such were the people that they had to legislate for. If they treated them with justice, the House might be sure of their gratitude and hearty co-operation; but he would say, let them not, when they asked for bread, be given a stone or a serpent. He regretted exceedingly that he felt it to be his duty to delay the House so long; but he felt it necessary, in the next place, to refer to evidence in support of the causes of the disturbances existing in Ireland. Francis Blackburne, Esq., K.C., at present Lord Chief Justice of Ireland, appointed to administer Insurrection Act (Lords' Committee, 1824, Report, p. 4), said—

"On the property of Lord Stradbroke, in county Limerick, there were forty or fifty families; the whole of that numerous body, consisting of persons of all ages, and both sexes, was dispossessed, and their houses prostrated; they were, generally speaking, destitute of the means of support, and unless relieved by people from charitable motives, I do not know what was to become of them. But that circumstance created a good deal of irritation in the country, and we were apprehensive of its effects in endangering the public peace. This is not a singular case; the same thing to a greater or less degree is generally prevalent in the whole of the country."

Page 7.—"Will you state what, in your opinion, is the ultimate source of discontent in Ireland?—The extreme misery and wretchedness of the population: the great mass of the population is in a state of poverty, destitute of employment, and, generally speaking, destitute of what, in this country, would be considered the comforts and necessaries of life. It is a subject on which an Englishman can scarcely be said to have the materials even for belief."

The state of Ireland was so bad, that the Lord Chief Justice of the Queen's Bench declares it is a subject on which an Englishman can scarcely be said to have the materials of belief. In all this the House would observe that he was not at all alluding to the recent calamity that had befallen the country in the potato disease. All this evidence had been given long before that misfortune had been thought of or known. But he would proceed:—Major Thomas Powell, Inspector of Constabulary, Leinster district, said, (p. 165):—

"In the Queen's County, where the collieries are in full work, there is no instance of any outrage committed in that part of the country. Generally are there more disturbances where there is most poverty and misery?—Certainly; for instance, in the barony of Galmoy there is not a resident gentleman in the whole barony, and that is one of the most disturbed."

Major General Richard Bourke, J. P., county Limerick (Commons' Committee, 1825, p. 313):—

"In the event of re-entry (on termination of leases), are you aware what becomes of the surplus population?—I hardly know; there are instances where they have been sent off the land, and have hutted themselves upon bogs and other uncultivated places; and some of them go wandering about the country.

"Have you any doubt that the system of diminishing the number of tenants is generally acted upon, on the termination of all the leases in that part of Ireland?—I should say it is universally acted upon.

"Does not that produce a great deal of misery?—A great deal of misery. It has led to murder, burning of houses, and several other outrages."

Matthew Barrington, Esq., Crown Solicitor, (same Report, p. 574):—

"What do you consider to have been the immediate cause of the outrages which have taken place in Munster?—I think the attachment to land and change of possession has been one cause, the collection of tithes by proctors, and an unemployed population."

Robert Smith, Esq., Clerk of Peace, county Monaghan (Commons' Committee, 1830, Q. 2930):—

"What becomes of those tenants (evicted on consolidation of farms)?—I cannot inform the Committee what becomes of them; but in one of the cases to which I now allude, I was informed that upwards of twenty families were turned out, and in the other case more than thirty. The consequence was, that the persons so dispossessed did not submit quietly, and in revenge cut the tails off the cattle of the proprietor of the estates, and committed various outrages. In the other case, the people who were turned out mustered a strong armed force, and at night attacked the persons who had been put into possession, whereby some lives were lost. I should here observe, that previous to these occurrences, the country in which this has happened had been peaceable.

"2931.—I think this mischief arises from sending the people upon the world without means of procuring shelter or opportunity of earning money."

Now that was the case in the county of Monaghan, which was in the north of Ireland, and where the House would perceive the same causes led to exactly the same description of outrages as in the south. John Wiggins, Esq., Land Agent (same Report), in answer to Q. 4027 :—

"I found in general that three-fourths of the produce are paid often in rent in Ireland; but certainly, even upon a tillage farm, half the produce is frequently paid in rent—about double the proportion that is paid in England.

"4030. I conceive the relation between landlord and tenant has given rise to that political commotion which we call Whiteboyism."

Matthew Barrington, Esq., Crown Solicitor, Munster Circuit (Commons' Committee, 1842) :—

"They (the Whiteboy associations, &c.), have always had objects connected more or less with land.

"5. Be good enough to explain what appears to you to be the cause of those several outrages. Since I have been Crown Solicitor, I have endeavoured to get at the root of the system by tracing each outrage to its immediate cause. . . . I have traced the origin of almost every case I prosecuted, and find that they generally arise from the attachment to the dispossession of, and the change in the possession of land. . . . I have never known a case of direct hostility to the Government, as a Government, although hostility to the law leads to hostility to the Government; but as to direct opposition to the Government, I never knew an instance of that being the object.

"14. I knew one instance (of ejectment without provision) which led to a desperate murder on Lord Stradbroke's estate at Bilboa. The farm was out of lease, and during the lease a great number of people had been allowed to reside on it. Mr. Blood, the gentleman who was murdered in Clare last year, took possession of the farm, as agent to Lord Stradbroke, dispossessed the tenants, and levelled their houses, and they were all thrown out on the road. The succeeding tenant was immediately after murdered."

That was the evidence of a gentleman who had been for more than thirty years Crown Solicitor to the Munster Circuit. That was the evidence of the rev. Nicholas O'Connor, P.P., Maryborough (Commons' Committee, 1832) :—

"3239. Are the Committee to understand that the Whitefeet are confined to those ejected from their grounds?—It is not confined to them, but they have been the persons that first made it general, and others had an apprehension of a similar fate, and they have joined it from thinking it would be a protection to them to keep them in their land.

"3329. I am very sure there is nothing that they would not forgive sooner than the turning them out of their farms. Every string of their hearts is twined round every twig upon them. It is impossible to induce the people to forgive turning them out of the place where their fathers and grandfathers lived.

"3331. They abandon their clergy, and we can have no influence over them.

"3332. It gathers together all the desperate people?—Yes, they care not if they are taken and hanged for their desperate acts, committed in a state of revenge. Death would be a relief to them—they care not for life.

Matthew Singleton, Esq., Chief Magistrate of Police (same Report, 1832) :—

"4101. There is scarcely an outrage committed relative to lands but what the people assign a cause for, if I may use that expression. In some instances the unfortunate people do show one.

"4102. What are the Committee to understand to showing a cause?—Oppression, high rent, low wages, and contracts broken."

Rev. J. Delany, P.P., Ballinakill, Queen's County (same Committee, 1832) :—

"4373. Asked as to causes of distubance. There have been a great many causes. I will state one that occurred in my own parish. There were three families comprising twenty-three individuals. The heads of those families were accused of having cut scollops or switches, for the purpose of thatching their cabins, or, perhaps, for sale; there were some ash and oak. The parties so offending were summoned, and a fine of *5l.* recorded against them. The landlord gave them the option of going out instanter (it was in the depth of winter, in November), forgiving them the arrears due and the fine; or to pay the fine, and be served with notice to quit in six months. They chose the first alternative, and went out; their families were scattered over the parish. The next summer, 1830, was one of famine with us. We were obliged to introduce a sort of poor-rate to keep the people from starving and dying in the ditches. Two of those families were thrown upon the parish, and I had to support them myself. One of the poor men lost his cow some time after being turned out. A series of calamities befel him. He took ill, and after lingering a long time in a state of the utmost destitution and misery, died of a broken heart. The sons of this man, together with a son of the second family above mentioned, became leaders in this system of ribbonism; and, I have reason to believe, were some of the most daring and ferocious among them. One of them, to this day, has held out against all my admonitions, and has not yet surrendered himself.

"4377. Did any other cases of considerable hardship occur in your neighbourhood?—There

was a vast number of persons in the course of the last seven years ejected from the estate of the late Mr. Crosby; some of them came into my parish, and I found them exceedingly troublesome, and disposed to engage in those illegal associations."

Rev. Michael Keogh, P.P., Aubeyleix, Queen's County (same Committee, 1832):—

"4336. To what do you attribute these outrages?—The poverty of the people, and a great many having been ejected from their lands.

"4337. State the particulars of the ejectments.—(Mentions 174 families on one property, 34 on another, and several others, principally at the expiration of their leases.)

"4654. The disturbance began subsequent to the ejectment of the people.

"4670. How do those people who are ejected maintain themselves afterwards?—Very poorly indeed; they throw themselves into the towns, and live therein, strolling about and trying to get work.

"4676. There are some of the familes ejected in the most wretched state—paupers going from door to door."

James Napper, Esq., Loughcrew, county Meath (Commons' Committee, 1832):—

"5606. Do you think that the lower orders have any reason to be discontented? I think very just reasons.

"5607. State what these reasons are.—There are many reasons why Ireland should be in a discontented state; but one of the principal reasons is the position of the landlords, and the lower orders of the peasantry."

John Robinson Price, Esq., J.P., Queen's County (Commons' Committee, 1832):—

"6676. On the very borders of the barony of Ossory, on a noble Lord's estate, an ejectment was brought against the middleman—an *habere* issued, possession taken, and the land was re-let to a Mr. Marum, not to the tenants in possession, which is the usual way, for the six months' equity of redemption. Mr. Marum deluded the tenants with the hope that he took the land for their benefit; but when the six months expired he turned out those tenants, and, I am told, he sold their household effects for the six months' rent. The consequence was, his cattle were houghed, and driven from the county of Kilkenny to the Queen's County for that purpose. For three years this system was kept up; and Mr. Marum was shot, in the open day afterwards, in the midst of a dense population.

"6677. Was this transaction accompanied by much general disturbance?—It ignited the whole barony of Ossory; so much so that the barony was put under the Peace Preservation Act, with a resident stipendiary magistrate.

"6736. Is it your opinion that the clearing of estates and the consolidation of farms has been pushed to too great an extent?—I think, under the circumstances, it has; there is no employment for the poor; and a conviction rests on their minds that a piece of land is necessary to existence. I certainly think that the disposition of the landlord, and the interest of the landlord, were sufficiently active and alive to carry on the work of depopulation gradually; and I do think he was aided, assisted, and enabled to carry on the system with greater velocity by certain Acts of the Legislature; such as the Civil Bill Ejectment Act, which gave a very summary process to the landlord; the distraining of standing corn; the Joint Tenancy Act; the Absconding Act; the Subletting Act, which, though it did not turn any one out, it kept them from getting in when out; and last, not least, the disfranchisement of the 40*s.* freeholders, which, I think, and I am certain, broke the last link of connection between the landlord and the pauper tenant."

John Cahill, Esq., Surveyor and Civil Engineer (same Report):—

"7251. Were there any other circumstances contributed to that state of disturbance that has taken place?—There were.

"7252. What are they?—There were a good many people evicted and turned out of their farms. About four years ago there was one gentleman evicted eighty-nine persons; another ninety-six; another ninety-five.

"7255. Were these cases where the land had fallen out of lease?—They were.

"7257. Gentlemen have agreed to make the farms, in my opinion, as large as possible; and those people who remained on the lands were evicted and put off, as is the case, which I stated of those gentlemen who turned out the numbers I have stated.

"7258. Do you conceive that it has been these individuals who have been so turned out, from want of having proper means of supporting themselves, who have become wanderers and vagrants, and the source of the Whitefeet association that prevailed in that part of the country?—I do very much consider so. There were 1,126 of these poor people, who were evicted, with the idle colliers, going about, left idle on a part of two parishes, and all that within six miles of each other.

"7260. Do you know them by name?—Yes, I have their names.

"7261. Are you able to trace what has become of them in the course of the last four years?—Yes.

"7262. State generally what has become of them. Do they continue wandering about?—I have known, on one estate, which is near me, and which I regulated for a gentleman, there has been a great many of the old people turned off that became beggars, and a good many of them died of want."

W. Kemmis, Esq., Crown Solicitor, Leinster Circuit (Lords' Report, 1839):—

"6743. In answer to question, gives account of eleven murders in Tipperary, from 1816 to 1838, all arising from evictions.

"6744. What, in your opinion, has been the cause of the outrages in Tipperary, generally?—Generally on account of land; the letting and the dispossession of land.

"6745. What proportion of outrages may be attributed to that cause?—The greatest number, decidedly.

"6746. Two-thirds?—Three fourths and more.

"7148. Do the Committee understand you rightly, that Tipperary is more disturbed than other counties?—Yes; than other counties on my circuit.

"7149. And that the great majority of violent crimes are caused by turning tenants out?—Yes."

Matthew Harrington, Esq., Crown Solicitor, Munster Circuit (same Report) :—

"From your examination of witnesses, and from other circumstances that must have come to your knowledge occasionally, can you state to the Committee what, in your opinion, has been the cause of those outrages ?—I think the causes have been an anxiety to possess land; the dispossession of land, and the disputes about land.

"7347. That is, during the whole of that period ?—With respect to all the disturbances during the time I have been Crown Solicitor, I could almost trace every outrage to some dispute about land.

"7437. Have any outrages that you have inquired into appeared to arise from hostility to the Government ?—No; I never knew, in twenty-five years, an instance of any outrages directed against the Government, or that had any political object.

"7465. When the causes of outrages have been removed, have you observed that the disturbances have immediately subsided ?—I have certainly."

Edward Tierney, Esq., Crown Solicitor, North-west Circuit (same Report) :—

"7727. Will you have the goodness to state to the Committee your opinion of the cause of those agrarian outrages ?—I believe it is a great deal occasioned by the letting and possession of land, and dispossession of former tenants or occupiers."

E. C. Hickman, Esq., Crown Solicitor, Connaught Circuit (same Report) :—

"8476. Have you heard of any case of tenants being turned out because they gave a vote at elections, contrary to the will of their landlord ?—Yes; I have heard of that.

"8477. What was the county in which you heard of it ?—My own county of Clare."

Piers Geale, Esq., Crown Solicitor, Home Circuit (same Report) :—

"8605. Will you have the goodness to state to the Committee what, in your opinion, has been the more general and common class of outrage of every description on your circuit ?—I think it has always some connexion with the taking of land."

J. Tabiteau, R.M., county Tipperary (same Report) :—

"9628. The general groundwork of the outrages in that district you consider to be disputes relating to land ?—Yes; property—land, generally speaking.

"9720. Is ejectment from land in the county Tipperary synonymous nearly with reduction to destitution and misery on the part of the cottier tenant ?—Indeed it is; and ejecting throws them altogether out of their grade of life, out of the rank of farmers into that of labourers.

"9746. What, in your opinion, has been, generally speaking, the cause of the great number of murders in the county of Tipperary ?—I believe the cause of actual murder is generally ground—something about land."

J. Howley, Esq., Assistant Barrister, county Tipperary (same Report) :—

"9992. Are you able to form an opinion whether the ejectments have been more numerous in the county of Tipperary, in proportion to the population, or other counties ?—From conferring with different assistant barristers, it would appear there are a greater number of ejectments in the county of Tipperary than in other counties."

John Barnes, Esq., Stipendiary Magistrate, county Longford (same Report) :—

"11755. As far as you have been able to form an opinion, will you have the goodness to state what you conceive to have been the causes of these murders ?—From everything which has come to my knowledge, from the number of witnesses I have examined, I am inclined to think—nay, I am certain—these murders have occurred in consequence of persons having been turned out of their lands, and those lands having been granted to persons of an opposite religion and character.

"11803. Is there any hostility exhibited towards the Government of the country ?—Not the slightest that I am aware of."

Tomkins Brew, Esq., S. M., Tuam (same Report) :—

"12765. What was the cause of the firing at Mr. Synge, and the murder of his servant ?—He had turned several of his tenants off his land that had refused to send their children to his school, and a conspiracy was formed on that account to murder him. He was fired at, and his servant shot."

In order that they might rightly estimate the working of the ejectment system, he would state a few results. In the county of Tipperary, where there were most ejectments, there were also most murders; and he would beg to call the particular attention of the House to this fact. It appeared by Appendix, part 4, pages 293 to 302, Land Commission Report, that in the year 1843 there were issued from the civil bill courts 5,244 ejectments, comprising 14,816 defendants; and from the superior courts (allowing for the Queen's Bench the same average as 1841, the number for the latter years in that court not being given), 1,784 ejectments, comprising 16,503 defendants; making a total of 7,028 ejectments, 31,319 defendants; or, within the period of five years—from 1839 to 1843—comprised in the Return, upwards of 150,000 tenants had been subjected to ejectment process. Did he deny that disturbances existed in the country? He never did deny the existence of these disturbances. He never denied that dreadful murders were committed. He never had any notion of concealing these horrible facts. He was now placing the facts before the Government, and at the same time showing the causes that had led to these crimes, in order that they might be able to apply a remedy to these causes. He had shown by evidence what was the disposition of the people. He had shown that the causes of the outrages were attendant on ejectment from land; and he would next come to a few others of the

grievances of which he complained. He complained of the administration of justice in Ireland—of there being no confidence existing on the part of the people in those intrusted with the administration of the law. He did not like to be bringing the names of individuals so often before the House; but he would appeal to the Government itself whether they had not uniformly appointed to the administration of the law every man who had been most violent in his political feelings, and who had taken the strongest part against the religion of the people of Ireland. He did not mean to disparage the judicial acts of these individuals. He knew of no serious disparagement of their conduct on the Bench; but it was not on him, but on the public, that these things would make an impression. Had not the Government made Mr. Sergeant Lefroy a Judge? Had they not placed Mr. Sergeant Jackson also upon the Bench? And had they not made Mr. Litton a Master in Chancery? Were these men favourable to the people or to the religion of the people of Ireland? Had they not also appointed Chief Justice Pennefather, who was no friend to the Irish people, and the present Lord Chief Justice, who, while Attorney General, had deserted one Administration and gone over to another? He too was no friend to the Irish people. He would not go farther. He was sorry that he had repeated even so many names, and he would not continue the controversy farther respecting them. He spoke not of their individual character, but of the impression which the appointment of such men was likely to produce in the public mind. And would the House regard as nothing this fact? Lord Chancellor Sugden was reported to have said the other day that the people of Ireland must have the fullest reliance on the administration of justice? But who was to give them that confidence? Who, if not the magistracy of the country? and could they forget that seventy-four magistrates had been struck off the list for no other reason but that they had advocated the Repeal of the Union? The people knew that their doing so was no crime; that not one of them had been prosecuted for advocating Repeal; that, in point of fact, there could be no prosecution for such a charge. And, he would ask the Government, would they now enact this Coercion Bill while the exclusion of these seventy-four gentlemen from the commission of the peace was continued? If they had committed a crime, if they had disgraced the Bench, if they had dishonoured the administration of justice, well and good. In such case let them by all means be removed. But there was not the slightest allegation against them of anything of the kind. Then the State Trials. He would not say a single word upon the proceedings of the Solicitor General; but how were the parties tried who stood arraigned on that occasion? Was there the least doubt of there having been a one-sided charge? Was there the least doubt that those privileges which should have been at once conceded to the accused were pertinaciously as well as fatally refused? He would only say that these circumstances had made a bad impression upon the people, and that House was bound to make them a recompense. And what had he (Mr. O'Connell) to suggest by way of recompense? He had as yet suggested nothing; but he would not leave the Government and the House without the means of making it. Although there had been some murders committed in Ireland, that were not directly traceable to evictions from land, yet, in sum and substance, the whole form and state of society showed it was from evictions of land, from the insecurity of land-holdings, from the difficulties arising through the want of land, that we must seek for the great and primary cause of all these crimes. There were some exceptions, he admitted; but he was sorry to say that those exceptions were becoming more numerous. The truth was so, and he did not shrink from stating the truth. The great fault, however, was the land question. The fact was, that that House had done too much for the landlord, and too little for the occupier. What had been the first measure for the benefit of the landlords? The first Statute passed after the Union in favour of the landlords was the Act 56 George III., c. 88, which gave them additional powers to work out ejectments. Up to that time they had not power to distrain. The Statutes of England were not enacted in Ireland towards landlords; but the Act 56 George III., c. 88, gave them powers which were no part of the bargain at the time of the Union. Many parties had taken leases, and made contracts without those new powers being in the hands of the landlords. The Statute gave them the power of distraining growing crops; keeping them till ripe; saving, and selling them when ripe; charging upon the tenant the accumulation

of expense. All these powers were first introduced by this Statute, and conferred upon the Irish landlord. He did not believe there had ever been a more fertile source of murder and outrage than these powers. Thus, the source of crime was directly traceable to the legislation of that House; and it was the imperative duty of that House, and of every Member in it, immediately, or as speedily as possible, to repeal that Act. Then there came the Act, 58 George III., cap. 39, for civil bill ejectment. First, the power was given to distrain upon the growing crop, enabling the landlord to ruin the tenant; and then here came the further power to the landlord of turning out the tenant from his holding. The Act 1 George IV., cap. 41, extended the power of civil bill ejectments; and the 1 George IV., cap. 87, enabled the landlord to get security for costs from defendants in ejectments. Then the Act 1st and 2nd William IV., c. 31, gave the landlords the right of immediate execution in ejectment; and the Act 6 and 7 William IV., gave further facilities for civil bill ejectments. All these were additional powers to the landlord; and it was to these statutes that the late Lord Chief Justice Pennefather referred when he said their object was to forward the interests of the landlord. The repeal of these laws was one of the remedies which he (Mr. O'Connell) called for, but not the only one. He wanted the House to determine at once to do justice to Ireland, politically, as well as in relation to the law of landlord and tenant. He would now enumerate the remedies which would create political satisfaction, and which the people believed would be their best protection. First, they had not an adequate number of Members to represent them in that House; next, an extension of the franchise; third, corporate reform; and last, a satisfactory arrangement of the temporalities of the Church. These four general remedies he demanded from that House as a mode of coercing the people of Ireland by their affections and their interests into a desire to continue the Union with England. Then, as to the remedies in relation to landlord and tenant. He asked the House to repeal the statutes on this subject since the Union. He asked the House to give a limitation to the landlord's power where there was no lease. Do not allow the landlords to distrain unless where there was a twenty-one years' lease, nor to eject unless where there was a thirty-one years' lease. He respectfully called on that House in the next place to give full compensation to tenants for their improvements. Labour was the property of the tenant; and if the tenant by his labour and skill improved the land, and made it more valuable, let him have the benefit of those improvements before the landlord turned him out of possession. See what a stimulant was here offered to activity and exertion! A man who now laboured helplessly, would unquestionably labour with greater energy when he understood he was labouring for himself. This principle was embodied in Lord Devon's Report, though it was not worked out. The principle, too, had been introduced by Lord Stanley. It was, therefore, part of the administration of Her Majesty's Government. Let it not be a mockery. Do not encumber it with clauses and provisions which the tenants were neither able to comply with nor to understand; but act upon it openly and manfully, giving the most practical security to the landlord for his rent, and to the tenant the value for his solid and substantial improvements, and the House would then see a stop put to outrage. The next remedy he called for was, an extension of the Ulster tenant-right. Let that right be extended over all Ireland. In Lord Devon's Report, the superior tranquillity of Ulster was traced to the security afforded to the tenant by this right; for there no tenant could be put out of possession without receiving full and fair value. The evidence on this subject was of some length, but he would read a portion of it to the House:—Mr. Hancock, agent to Lord Lurgan, counties Armagh, Down, and Antrim (Land Commissioners' Report, p. 483):—

"37, 38. Much of our Ulster prosperity has been the result of this extraordinary matter (namely, tenant-right), in connexion with tenure; and no measure would have a greater effect in improving the condition of the south and west than the introduction of tenant-right as it exists in Ulster. I consider tenant-right the claim of the tenant and his heirs to continue in undisturbed possession so long as the rent is paid; and in the event of ejectment or change of occupancy, it is the sum the new occupier must pay the old for the peaceable enjoyment of his holding. I consider tenant-right beneficial to the community, because it establishes a security in the possession of land, and leads to the improvement of the estate, without any expenditure of capital on the part of the landlord. It likewise affords the best security for his rent, as arrears are always allowed to be deducted from the amount the occupier receives for tenant-right. It is very conducive to the peace of the country; for almost every man has a stake in the community, and is, therefore, opposed to agra-

rian outrages, as well as riots. The laws are more respected; there are none of those reckless daring men who are ready for any deed under the consciousness that their situation cannot be worse. The liberty of the subject is more respected, and imprisonment has greater terrors from the fact, that almost any tenant can procure bail for his future appearance in court on his future good behaviour. There is never any instance of forfeited recognizance. An arrest is, therefore, a much more serious matter in this than in any other part of Ireland; for as there is less risk (from his stake) of the offender flying, so here the degradation is more keenly felt, and parties often subscribe and bring actions against magistrates for false arrests and imprisonment; whereas, where no tenant-right exists, the first step is the arrest to prevent escape; and, secondly, the consideration of the cause. Imprisonment and contamination with bad characters are thus more frequent. The magistrates cannot have the same respect for the liberty of the subject; and when acts of oppression occur, revenge is taken, not by an appeal to the civil court for damages, but by combination and an appeal to force, waylaying and murder. The necessity of distress for rent—a fruitful source of riots and broken heads—is also obviated by the tenant-right, as there is no danger of loss of arrears."

Then there was the following in another part of the Report—Robert Smith, Esq., Clerk of the Peace, county of Monaghan, gave this evidence:—

"80. Do they often sell the tenant-right where there is an old lease?—Very frequently.

"81. Where the tenant is ejected for non-payment of rent by his landlord, is he allowed to sell his tenant-right?—I am not aware that any such right of sale is recognised by the landlord; but it is generally known throughout the country that an agrarian law exists, such as to intimidate any of the lower class of farmers from taking land from which a tenant has been ejected for any cause, without the person coming in making compensation to the party turned out.

"82. That applies to the tenant going out under all circumstances?—I think so."

John Lindsay, Banbridge, county Down (Land Commissioners' Report, pp. 583, 584):—

"39. Is the tenant-right or sale of goodwill prevalent in the district, and to whom is the purchase-money paid?—It prevails in the district; the tenants who have held the land think they have a right to dispose of the land when they are going to leave it. He thinks he has always a right to do so, and very reasonably, I think.

"40. Is it generally recognised by the landlords?—Some recognise it, and some do not; but where they do not recognise it, and set their faces against it, they are very generally defeated, and have been obliged to do it after risking life, in some instances, in my neighbourhood.

"41. Is it done behind their backs, without their knowledge?—No; they have even ejected the tenantry. I have known some of them do it in the parish I live in. One of them put a man out of his farm, and there is no person will take it. He sent down a person to cultivate the farm, and he was sent home again. The people gathered that night, and desired him to go home, and not come there again; and the man got leave to sell his tenant-right afterwards.

"42. How long ago is that?—About three years ago. Something similar happened to a man, about two or three miles from my place, last winter was a year.

"43. Is the value of the tenant-right increasing or diminishing, and how is it affected by the tenure?—The value of the tenant-right is decreasing in consequence of the scarcity of money; and I suppose it would be regulated also by the price of land at the time the tenant-right would be sold. If it is at a high rent, they will give less; and if at a low rent, they will not get more.

"44. What should you say was the value of tenant-right of land fairly set and held at will, comparing it with a year's rent, or by the acre?—About four years ago, at a place I receive the rent of, it would have sold for 20*l.* an acre, and now, though the rent is lowered 10 per cent, it would be difficult enough to get 10*l.*"

Mr. Hancock, Lord Lurgan's Agent, Down, Antrim, and Armagh:—

"38. The landlords are compelled to recognise tenant-right, as in several instances in this neighbourhood, where they have refused to allow tenant-right, the incoming tenant's house has been burned, his cattle houghed, or his crops trodden down by night. The disallowance of tenant-right, as far as I know, is always attended with outrage. A landlord cannot even resume possession to himself without paying it. In fact, it is one of the sacred rights of the country which cannot be touched with impunity; and if systematic efforts were made amongst the proprietors of Ulster to invade tenant-right, I do not believe there is a force at the disposal of the Horse Guards sufficient to keep the peace of the province; and, when we consider that all the improvements have been effected at the expense of the tenant, it is perfectly right that this tenant-right should exist; his money has been laid out on the faith of compensation in that shape."

This, then, was the evidence of the north of Ireland, as to the value of this tenant-right. How often had he heard all the boast of the superior tranquillity of the north? It was because they were better treated by their landlords, and, generally speaking, there was a better feeling there towards the landlords, because the tenants were allowed to sell their tenant-rights. In the county of Tipperary there was an agrarian law, which was the law of ejectment; in the province of Ulster there was a general law giving the tenant valuable rights. He called upon the House to make their choice between the two. Now was the time for their choice. The country had arrived at a state in which it was necessary for something to be done. This miserable Coercion Bill would do nothing. It would do worse than nothing. There were many excellent landlords in Ireland, and there were numerous bad ones: numerous estates were in the hands of agents. The remedy which

he asked for was, that the tenant-right of Ulster, which had been enjoyed in that province for 300 years, and which was available at this present moment, should be generally adopted throughout Ireland. He further required that a heavy tax should be levied upon absentees, and the election of county boards instead of the existing system of grand juries. He wanted the House to grant a strong, bold, manly, useful remedial measure. He would not weary the House by going into further details now; but, having pointed out these remedies, he called upon the British Parliament to grant them at once. Where they desirous of putting an end to these murders? Then it must be by removing the cause of murder. You could not destroy the effect without taking away the cause. He repeated, that the tranquillity of Ulster was owing to the enjoyment of the tenant-right; where that right was taken away, the people were trodden under foot, and, in the words of Lord Clare, "ground to powder." The hon. and learned Gentleman concluded by saying he had trespassed upon the House at greater length than he intended, and he would close by moving the Amendment which he had read.

Mr. B. OSBORNE apprehended that no Member of that House, however he might differ from the hon. and learned Gentleman who had just sat down, could find fault with the manner and temper of his speech. He was anxious, in seconding the Amendment, to say, that while he shared with the right hon. Gentleman who had brought this Bill under discussion in feeling the greatest horror at the murders in Ireland, yet, at the same time, as a resident in that country, and as one deeply interested in its welfare, he deprecated the introduction of the measure as being not only inefficient for its avowed objects, but calculated to inflame the complicated evils of that unfortunate country. It was easy for a Member of that House, taking advantage of the deep-rooted horror of assassination which was common to all civilized beings, to call upon Parliament to pass stringent Acts for the protection of life; but, in his opinion, it would be far more worthy of the character of the right hon. Gentleman as a statesman, if, previously to calling for the enactment of such a law, he had applied himself to the production of measures to eradicate the causes of the evils. If there was one duty more imperative than another upon an English statesman, it was to prove to the people of Ireland that he was ready, able, and willing to grapple with their condition, social, political, and religious. But the proposal of coercion was a confession of inactivity. The right hon. Gentleman opposite, upon a recent occasion, adverted with great deference to the opinions of Burke upon commercial questions; and perhaps the House would alluw him to quote the opinions of Burke upon Irish coercion. In the year 1795, Mr. Burke, writing to Sir Hercules Langrishe on Irish affairs, said—

> "Mild and lenient acts ought to precede measures of rigour; they ought to be the *ultima*, not the *prima*, not the *tota ratio* of a wise Government. God forbid that on a worthy occasion authority should want the means of force! but where a prudent and enlarged policy does not precede it, then the hearts of the people do not go with the soldiery. You may call your Constitution what you will; in effect it will consist of three parts—cavalry, infantry, and artillery, and of nothing better."

Such was the opinion of Mr. Burke on that occasion. He should not allow his feelings of horror and alarm at assassination so to warp his mind as to bring him to conclude that a measure of this kind was the only one that could be introduced for the benefit of Ireland. If he took only a hasty view of the reasons alleged for it, and of the circumstances of the country, he might possibly be induced to give his vote for the first reading of the Bill. Doubtless there were many in that House who, with good intentions, but superficial views, were ready to commit themselves to the first reading of the Bill; but if it could be shown that the provisions of that measure were calculated to promote discord—that it was tyrannous in design, and inefficient in operation—that the same blundering and despotic spirit which first peeped out in the rejected Arms Bill might be traced pervading the whole measure; if all that could be shown, as he believed it could, he appealed to hon. Gentlemen interested in the welfare of Ireland, whether they would or could support such a Bill. The right hon. Gentleman the Secretary of State for the Home Department, with a tone and manner which did him honour, had read numerous details from the constabulary reports, and had quoted the opinions of a large number of magistrates. He, in the absence of further proof, following the example of the right hon. Gentleman the Recorder of Dublin, with regard to the scarcity in Ireland, might have questioned the extent of crime—might have said that gross exag-

geration had been used—and, above all, imitating the language of the late Lord Dudley, he might have reminded the House that alarm was the art of an eloquent Minister. Conceding, however, that the amount of crime had not been exaggerated, he would ask, how did the Government propose to deal with such a state of things—how to eradicate the disorder? Their great remedy, their mighty panacea, appeared to consist in not permitting the inhabitants of disturbed districts to leave their houses between sunset and sunrise, under the liability, if discovered, of being transported for seven years. Such was the principal provision for the pacification of Ireland. But the right hon. Gentleman had not shown how such provisions would deal with the noon-day murderer, how they would lead the peasant to denounce the murderer, how operate to destroy the cause of crime. The right hon. Baronet had not shown that it would accomplish either of those objects; and, regarding it as an inefficient and a dangerous measure, he called upon the House to meet it as they had met the Arms Bill; for he maintained that if they suffered themselves to be carried away by the recitals of newspaper paragraphs, and refused to look into the cause of the crime, or into the remedies to be applied, they did, in fact, admit that a total abdication of legislative functions was the fittest remedy that could be applied. He believed that this was the 17th or 18th coercive measure since the Union, which the House had been called on to pass for Ireland; and yet he had never heard of one measure of a remedial nature, or which really went to the eradication of Irish grievances. In the case of Irish crime (unlike that of England, which had fearfully increased of late), the Government could hardly plead ignorance of its cause, for the cause was well known—it was notoriously owing to the tenure of land. There was no escaping that difficulty. The right hon. Gentleman knew it. Every Member of that House knew it; and yet what was the conduct of the Government? Either through inability, laziness, or disinclination, they were more ready to resuscitate and rebaptize the old Coercion Bill, than to apply themselves heart and hand to the bringing forward of some measure which should go to the root of the social evil. Could it be credited that in the teeth of all their experience—in the six hundredth year of our sway over Ireland—the British House of Commons should be sitting to pass a measure to transport men who were out of their houses between sunset and sunrise? He really was astonished that a Government professing itself to be the author of great and comprehensive schemes should soil itself by bringing forward such a martial law in masquerade. He would, with the permission of the House, briefly refer to the evidence of two gentlemen taken before the Lords' Committee in 1824, who had been appointed to administer coercive laws. The first witness to whom he referred was Francis Blackburne, Esq., now Lord Chief Justice of Ireland. That gentleman was asked—

"When you state that a considerable improvement has taken place in certain parts of the country in which the Insurrection Act has been in force, do you mean by improvement only that the system of outrage has been effectually checked, or do you mean to say that the disposition to commit outrage has ceased to exist?—I mean to say that a cessation of outrage has been produced; but I cannot say that I believe any material change of disposition has been produced."

Again—

"What measures are, in your opinion, best calculated to improve the condition of the people of Ireland?—Generally speaking, employment and education. While the circumstances you have mentioned as the cause of the disturbances in Ireland do exist, do you think the Insurrection Act, without other measures, will produce tranquillity?—It will put down the disturbance from time to time to time, but it will not produce a better order of things."

The other gentleman from whose evidence he would quote, was Mr. J. Howley, Assistant Barrister for the county of Tipperary, who possessed peculiar means of information as to the Irish character. He was asked—

"From your experience of the Irish character, would you say they were more easily reclaimed from evil courses, or more easily directed in proper courses by a conciliatory course, or by putting into operation the full extremity of the law?—From my knowledge of the Irish character, I would say that naked penalties alone will not put down offences. They must be mixed with kindness and considerate conduct. I should say the ordinary law carried on steadily and directly; not pushed aside by small influences, but carried steadily on, and administered with temper, and without the appearance of vindictiveness, would be sufficient to maintain order."

He need only remind the House, in addition to that, that the right hon. and learned Gentleman the Recorder for Dublin had on a recent occasion given it as his decided opinion that the law as it stood was quite sufficient for the suppression of all disturbances. When the right hon. Baronet talked the other night of the great increase of crime, had he asked himself to what it

might be attributed—had it never occurred to him that it had been mainly produced by the conduct of the Government themselves? What had they done? In 1843 the celebrated Devon Commission was issued. As a resident in Ireland he knew that the excitement caused amongst the peasantry of Ireland by that Commission could not be overrated. The mode in which the Commission was constituted, and the great powers with which it was armed, had raised the most inordinate expectations. The cottier tenant thought that the manner of his holding would be revised, and the principle of fixity of tenure had gained great ground. It would be unnecessary for him to detail what followed, or to consider how those expectations had been realized. After a lapse of some time, however, two monster volumes were issued. All that they contained had been said before by the Poor Law Commissioners of 1836; but it was supposed that those were to be the last of the blue books, and that immediate legislation was to follow. His hon. and learned Friend below him had extracted at some length from different portions of the Report which had issued from the Devon Commission; but one part had been omitted which he thought should be read, in justice to the suffering people of Ireland. After depicting the state of their living, or they should rather have said, "of their dying"—as was said to the traveller, who, passing over the Pontine marshes, and inquiring "How do you live here?" was met by the answer, "We don't live, we die here,"—they went on to say—

> "When we consider this state of things, and the large proportion of the population which comes under the designation of agricultural labourers, we have to repeat that the patient endurance which they exhibit is deserving of high commendation, and entitles them to the best attention of Government and of Parliament."

To what then had the "best attention of Government and of Parliament" led? It had led to the introduction of a Bill in another place, which was so utterly ridiculous that it had established a sort of fixity of tenure for itself, for beyond the House of Lords it had never gone. After all the solemn mockery of issuing that Commission—after exciting the hopes and extolling the patience of the poor Irish—all that they did was to expose their miseries, and to come down with a Coercion Bill as a rider to Lord Devon's Commission. The right hon. Baronet the Secretary for the Home Department, uttering the other night a sentiment which, he believed, the right hon. Baronet had adopted from Mr. Fox in 1797, said that they must not legislate for Ireland with reference to English notions, but with reference to Irish interests and Irish prejudices. He confessed that he was delighted to hear the right hon. Baronet make use of that sentiment; but he firmly believed, if there were one thing more than another which was more peculiarly obnoxious to Irish interests and Irish prejudices, it was that very Bill under discussion; and for his life he could not understand, disposed as he was to give every credit to the hon. and learned Gentleman who had prepared that Bill, how such an inefficient measure had been allowed to be brought forward. He must say that, for his own part, he regarded it as the production of a vacillating and disunited Cabinet. He did not believe that the right hon. Baronet himself ever wished the Bill to pass. It was all very well to talk of certain conveniences in the Cabinet; but he did not believe that that Bill was ever intended to pass. Another reason why every one should oppose that Bill was, that if they passed it they would have no security that some despotic Minister might not at some time or other go down to that House, after cutting out three or four horrible accounts of murders from the newspapers, and call upon that House to pass a Coercion Act for England. He contended, then, that this was an English question as well as an Irish question. What was good for the one country was good for the other, and what was bad for the one was bad for the other. The 6th, 7th, and 8th Sections of the Bill directed that certain compensation should be made to the relations of the persons murdered, the money wherewith to make which compensation should be advanced from the Consolidated Fund. Then, by the 9th and 14th Sections, the sums so advanced from the Consolidated Fund were directed to be repaid by a tax on the occupying tenant, whether his holding were over or under 4*l.*, and that was not to be deducted from the rent. Now, he would appeal to the House, and he would ask whether any man remembering what was the operation of the Still-Fine Act, and knowing the state of physical destitution in which the cottier tenantry were plunged, could suppose for a moment that such a tax could ever be levied from them. Instead of being surprised at the amount of crime in Ireland, he must say—

and he spoke from an intimate acquaintance with the cottier peasantry of Ireland —that the amount of their patience surprised him much more. Let the right hon. Gentleman remember that physical destitution and moral degradation went hand in hand—that they were inseparable—that they could not debase a man in the scale of comfort without debasing his moral condition; and remembering that, he would ask him whether it was either just or humane to call upon that House to pass coercive laws to check the vices of a people which they themselves, by their own misgovernment, had engendered. He was very unwilling to do so, yet he could not refrain from noticing one remark which had fallen from the noble Lord opposite, the Member for Lynn (Lord G. Bentinck), who stated, than any man who opposed that measure should be responsible for every additional murder. He did not lay much stress upon the noble Lord's expression, for he had not yet had sufficient training as a leader to weigh sufficiently the importance of every phrase; and when he jumped from figures of arithmetic into figures of rhetoric, the noble Lord sometimes bolted from his backers, and was apt to run in distress. The noble Lord, however, had given no reason for passing a Coercion Bill for Ireland, which did not equally apply to England. If the amount of crime were the reason, he could tell them that dreadful crimes were shockingly prevalent in England. As the noble Lord made out his case, referring to two murders in Tyrone, which was an Orange county, let him just take one or two glances at random into the country newspapers. He would first take the noble Lord into Staffordshire, and there he found the following:—

"John Brough, a farmer, at Biddulph, between Tunstall and Congleton, in Staffordshire, has killed his brother Thomas, by beating him on the head with a hammer; he afterwards threw the body into a sand-pit. John Brough held a farm of Thomas; and, being in arrears of rent, the latter threatened to distrain—hence the murder. The principal witness against the criminal was James Brough, another brother to whom he had confessed his guilt. Brough has been committed to prison for trial."

Or again, in a quiet village in Somersetshire, near Bridgewater, a woman in her twenty-eighth year, poisoned her mother and brother, and one of her illegitimate children. Such cases might be multiplied *ad infinitum*. He might go even to the noble Lord's own county; yet the noble Lord never thought of stating that a Coercion Bill was necessary for England. He really was surprised that any man, especially one in the noble Lord's situation, looking to his prospective position—[*A laugh.*] He said it seriously. There was no reason why the noble Lord should not be Prime Minister. The noble Lord had ability and influence to commend that elevated position; and he repeated, he was surprised that the noble Lord should come down to that House and make random proposals upon no better information than a few newspaper paragraphs. Probably, in the absence of the Irish Secretary from the House, there might be some excuse for the ignorance which the right hon. Gentleman the Secretary of State for the Home Department had displayed with reference to Ireland. The right hon. Gentleman had wholly omitted to mention, when condemning Tipperary, that the southern part of that county was altogether distinct from the north, and that in the South Riding of Tipperary crime was almost unknown. What was, however, the state of that county? His hon. and learned Friend (Mr. O'Connell) had alluded very cursorily to the number of civil bill ejectments which had taken place. He perceived from the Land Commission Report, that the number of civil bill ejectments in Ireland from 1839 to 1843, exclusive of the number of individual occupiers served with process, was 70,982: allowing five persons to each family, it would give a result of 354,910 individuals ejected by civil bills during these three years. Why, if that were done in England, his word for it they would have plenty of landlords shot on the highways. This had been going on for years, and no measures had been taken to stop it; on the contrary, a noble and learned Lord, enlarging on the ducal dictum which first emanated from Clumber, "that you may do what you like with your own," had declared that Parliament had no right to interfere with the rights of property—as if it did not do so by every railroad Act and every tax. He was not attempting to palliate the crime; but he would not be hurried away by a temporary fit of enthusiasm, got up by newspaper paragraphs, forgetting that he had been sent to that House to legislate for his fellow countrymen. In his (Mr. Osborne's) opinion, the true way to suppress agrarian outrages, and to prevent assassination, was not by a Special Commission—not by Whiteboy Acts—not by grants to Maynooth even, or by the esta-

blishment of Colleges—least of all could it be effected by a Coercion Bill. The only real and effective way, in his humble judgment, was, to alter the law of fixed property so as to render the transfer of property easier, that they might obtain a different class of proprietors. That, and a total alteration of the laws relating to the connexion of landlord and tenant, seemed to him to be the only true way of suppressing agrarian outrages and assassination in Ireland. He thought that the conduct of the Lord Chancellor had been marked with great indiscretion, when he took upon himself to dismiss all the magistrates who entertained Repeal sentiments. In his opinion, the Chancellor committed what a French Minister had stigmatized as worse than a crime—"a political blunder." Another political blunder which, as it appeared to him, the Government committed, was in regard to the Grand Jury Act in Ireland. It was all very well to say that Protestant ascendancy was at end; but he asserted that it still existed, and that it would be seen in the constitution of those juries. Let them look to the long panel of Tipperary as a proof of that fact. In 1839, there were 118 Catholics on the long panel, 38 being among the first 100; in 1844, there were 43 Catholics on the long panel, and 10 amongst the first 100; and in 1846, there were 17 on the long panel, and 5 amongst the first 100. That was the state of the long panel in Tipperary during those years. That was the case of the long panel in Tipperary; and at the last assizes, out of 23 names on the grand jury of the north riding, only one Catholic had been empannelled—a gentlemen of great respectability, and most unexceptionable in point of property and station, but he was a man of strong Conservative principles. Why, he would ask, were other Catholic gentlemen, of equal intelligence, property, and station, omitted from the panel? If the hon. Member for Tipperary were not present, he would refer to his intelligence and station, and ask why was he not on the grand jury? There were two other Catholic gentlemen, also of great respectability and station, and their names were omitted from the grand panel in an adjoining county to Tipperary; and when he looked at these circumstances, he was justified in saying that it arose from a one-sided and bigoted system. He had great pleasure in seconding the Amendment of his hon. and learned Friend. He admired his sincerity, he admired his genius, he concurred with him in his views with respect to this measure, but he dissented from his opinions as to a separate Legislature; for as a resident in that country, he did not believe the Repeal of the Union to be a panacea for all the evils of Ireland. He would, however, warn the House, that in passing a measure of this coercive character, they were giving an argument to those who were in favour of a repeal of the Union, and causing discontent in Ireland. Men of all parties in that country were discontented with the Government; and they said that it was ignorant of their wants and indifferent to their interests. He was favourable to the Union between the two countries; but if it were only to be maintained by force and coercion, he did not think it worth that cost. They had been told by a right hon. and learned Member that there was an evil genius in the Cabinet. There was, it was true, an evil genius in the Cabinet, but it was of an Orange hue; and whether with a wig and gown in Ireland—whether in Dublin Castle or in that House—it still clung around the Irish policy of the Government. He called upon the House not to be led away by specious pretexts to enact a law which was so much opposed to the rights and liberties of Her Majesty's subjects in Ireland.

Mr. SIDNEY HERBERT would not attempt, on a subject so painful as that before them, to go into all the extraneous topics of the speech of the hon. Gentlemen who had just concluded. He should always speak with great respect of the opinions advanced in that House by a Gentleman resident in Ireland, and who did his duty efficiently and perfectly to his tenantry, and those by whom he was surrounded; and it was not meant as any disparagement to that hon. Gentleman, or the country in which he resided, if he did not go into some of those topics. They had an example set them to-night by the calm and temperate manner in which a man of so impassioned a nature as the hon. and learned Gentleman brought forward the Amendment; and he thought that no man, in following that speech, could well transgress the bounds of moderation which the hon. and learned Gentleman had set out. He should be sorry to see party politics introduced with reference to such a subject as that before them; and whatever might be his situation, he never would assist in making Ireland again the battle-field of party. He was an Irish landlord himself, and he had a deep stake in the welfare of that country. He took the warmest

interest in her fate and in her misfortunes, and he was a willing party to the measure before the House, because he thought it was requisite for the safety of that country, as he had been a warm advocate of the other measures of the Government with respect to Ireland, because he thought that they had a tendency to introduce better feelings amongst persons of different parties and different religious persuasions, and to awaken the minds of different classes to co-operate for the general and permanent prosperity of the country. From the speeches, however, which they had heard that evening, one would almost hope that the intention, which had on other occasions been so strongly expressed, of meeting this measure with Motions for delay, had been given up, inasmuch as both those speeches would seem to have passed by the first and second readings of the Bill, to go to details rather than to principles, and to have anticipated the committal of the measure. Now, he did not think it would be convenient that they should, at this stage of the measure, discuss its particular clauses, or contrast its provisions with the Bills of other Governments; and the more especially as no one who had hitherto spoken upon the subject had, in the least degree, attempted to deny the emergency which had induced the Government to introduce this Bill. The statements of his right hon. Friend (Sir J. Graham) remained unanswered and uncontradicted—the only allegation against them being that made by the hon. Member who had just sat down, that they were exaggerated. He wished that they might be exaggerated; for it would be most satisfactory, he was persuaded, to the Government, to find that they had overrated the evils that prevailed in Ireland, and that they had been premature in introducing, with reference to that country, a measure of severity which was not justified by the facts of the case. The hon. Member who spoke last said, that if similar evictions of tenantry had taken place in England as had taken place in Ireland, they would have had landlords shot in one country as well as in the other; and he blamed them for not having introduced measures in reference to the relations of landlord and tenant in Ireland. Now, this was not fair, when it was recollected that the Government had introduced a measure last year upon that subject, which, though it had been unsuccessful, had not deprived them of the hope that they might be enabled to introduce a measure in the present year with a better prospect of success. But the subject was a most difficult and delicate one; and certainly, as yet, the Government had had but little encouragement in dealing with such questions, for the moment a measure of that nature was introduced, private and hostile interests at once arose in opposition to it, and it was next to impossible, on such a subject, and amidst such a diversity of opinion, to carry a measure through Parliament with any prospect of success. He hoped, however, the great public necessity that existed for a measure of the nature now sought to be introduced, would induce hon. Members to sink private opinion and party interests in favour of this efficacious remedy. The hon. Member alluded to a feeling of vengeance against landlords, arising from the eviction of the tenantry, as a source of crime. He regretted to hear that; he should not go into the frightful instances which had been mentioned in that House; for he had no sympathy with the system under which large numbers of human beings were turned wide on the world; and still less when they were so turned out in a country where the love of particular localities, and a feeling of pride in possessing small pieces of land, were so great as in Ireland. But they must recollect that in the present anomalous state of society in Ireland, great difficulties arose in consequence of the land being apportioned to an indefinite number of tenants. A person, for example, got a lease of land and let it to another, who, knowing nothing of the obligations under which perhaps the first letting was made, sublet it to others, by whom it was again subdivided among a still greater number of tenants, adding infinitely to the general distress of the whole district. If that system was to go on, the effect must be, that it would eventually swallow up the whole land, and then would come a struggle between the extreme exercise of the rights of property on the one hand, and the necessity for subsistence, which the poor occupier would make on the other. The House might well believe that these were questions not to be settled by a passing flourish about the duties of landlords, but that they were questions which required the enlightened and considerate attention of the Legislature. He thought he would be able to show—and he hoped the House would bear with him if he quoted a little more at length on this subject than was usual with him—how far it was true, as had been alleged, that the present course of Govern-

ment was encouraging a war between the rich and the poor; how far it was true that they were bringing in a Bill to protect the strong against the weak; how far it was true that they took care to protect those who were rich and able to protect themselves, and did not show the same care for the humble and industrious poor. He could show from proofs before him, that the murders which were committed in broad day were, generally speaking, murders perpetrated against persons in the higher ranks of life; and that, on the other hand, the night murders were committed on the poor and defenceless; and for this reason—the rich man lived in a house carefully secured, with his servants well armed, his windows barricaded, and everything about it capable of standing a siege; and when such a man was murdered it was usually in the open day; perhaps fired at from a hedge when he was returning from the quarter sessions, or some other duty. But the poor man, who lived in a wretched thatched cottage with the door and window ill secured, that man was attacked at night, shots were fired into his house, and incendiarism was almost solely confined to him, because he was poor and defenceless—he had no servants to repel the invasion of what ought to be his castle; and therefore he maintained that an obvious distinction must be made between the night class of murders, which especially required their interference, and those that were committed in broad day. The one class of victims called much more loudly for protection than did the other. Therefore the accusation that was brought against Government, that they were legislating for the strong against the weak, was not founded in fact. Let us see who are the victims in the great majority of these cases. Here was a case reported to Government by a gentleman whose respectability no person, and certainly not the hon. Gentleman opposite (Mr. O'Connell), would deny. It was reported by Mr. Leyne, nephew to the hon. and learned Gentleman. He said—

"I have to report that, on the night of Wednesday, the 10th instant, as Shandy Kenny was returning home from work, he was brutally murdered, near the cross-roads of Dayneen, within three miles of Kildysart, in this county. It appears that about two months ago the deceased's father took a few acres of land from Mr. Pierce Campbell, of this town, out of which a man named James Sexton was, at the same time, ejected, and to this cause alone is to be attributed the perpetration of so dreadful a crime. The unfortunate man was not only shot to death, but his murderers also inflicted with some sharp instrument three deep wounds on the back part of his head."

It was true murders such as these arose out of questions connected with the occupation of land; it was not the landlord, however, who was made the victim—it was the poor tenants, who had, in all probability, nothing whatever to do with the arrangements connected with the leasing of the land; but the landlord could not be reached, and therefore the poor farmer fell the victim to these agrarian outrages. Here was a case in which the effects of such outrages fell directly on the poor; it was an announcement by the Directors of the Mining Company of Ireland, and was as follows:—

"The board of directors of the Mining Company of Ireland hereby gives notice to all whom it may concern, that the company's works, at Earls-hill Colliery will be suspended on Saturday, the 20th of December next, or the earliest day admissible under existing contracts. The board has been reluctantly impelled to adopt this course by the outrages and threats to which the company's stewards, Martin Morris and others, have been subjected with impunity, notwithstanding large rewards offered for information which might lead to the punishment of the offenders; and by the threatening notices subsequently served on those well-disposed workmen who are desirous to work under the company, and earn support for themselves and families, but whose lives are too highly valued by the board to be risked by a continuance of the works, until sufficient protection can be afforded to them."

This was one of the results that flowed from a want of protection to the poor. Let capital obtain a safe footing in Ireland, and industry and employment would become more and more rife—a greater amount of physical comfort would be enjoyed by the people, and contentment and happiness would be more wisely diffused; but because life was not safe in Ireland, and society disorganized, the employment of capital was greatly injured in that country. He would give a case of outrage in Clare, communicated to Government, which was as follows:—

"I am sorry to be again obliged to report that an outrage of a very serious nature occurred in this neighbourhood yesterday evening. On my visiting the place this day I learned the following particulars; namely, that about half-past six o'clock on the previous evening a party of armed men, about nine in number, wearing bonnets, and having their faces blackened, entered the house of a respectable farmer, of the name of Murphy, and after discharging a blunderbuss in his face, which fortunately only contained some powder, they, in a most savage manner, commenced beating Murphy with the butt-ends of their guns and clubs, and only left off beating him when they thought he was dead; they broke his

leg and left his head in a most frightful state; there are two physicians attending him, who have but slight hopes of his recovery. They also inflicted several wounds on his son and daughter; the latter is also confined to her bed in a bad state; the son several times endeavoured to discharge a blunderbuss at them while beating his father, but unfortunately it would not go off, although heavily loaded. The party then went away, taking with them three guns and a blunderbuss. The family all deny having any knowledge of any of them. The cause assigned for this brutal attack is, that Murphy, about seven years ago, took a farm of land from which some people had been ejected. There is no clue at present that could lead to the apprehension of any of the party. I am happy to inform you that sub-inspector Comyns has just come in, after spending the night in search of the offenders, and has succeeded in arresting three of the party concerned in the outrage on Murphy and his family, and that one of them has been fully identified as a principal in the outrage by Murphy's servant boy; and as it is feared he would either leave the country, or be deterred from prosecuting, I have directed the police to keep him in their barracks for some time."

This was a statement communicated by Mr. Bailey, resident magistrate in the county of Clare. From the district of Newcastle, in the county of Limerick, they had the following report from Mr. Sullivan, second head-constable:—

"I have to state that on Sunday, the 25th instant, about seven o'clock, P.M., as John O'Brien, of Gurteen, was on his return home from the village of Feenagh, he was waylaid by five or six men, two of whom, David Lynch, jun., and William Long, both of Clonrycrippa, inflicted with stones two very dangerous wounds on the left side of the head, from the effects of which he now lies very dangerously ill. He cannot name or describe any of the rest of the party, nor can Nancy Sullivan, who accompanied him, and who, by crying out for assistance, saved his life, else it is probable he would have been murdered, as Lynch, Long, and party are old enemies, and belong to a faction always opposed to O'Brien's."

What he wished to show was, that these were cases which occurred at night—that poor men were then attacked in their own houses, or on their way to and from their work. He had a letter from a man who was in possession of a piece of land given to him by his landlord, but who, after having been in possession for a short time, wrote to his landlord, asking him, in God's name, to take back the land, as his life was in danger, and he was so afraid that he durst not go to his work. This man had been a faithful servant of his landlord, and had received the land as a reward for his services; but rather than hold it, he gave it up, though in all probability it had long been the highest object of his ambition. These were instances where the poor and defenceless were exposed to violence, and therefore let it not be said that the present Bill was a measure to protect the strong against the weak. How many murders of landlords had there been? Or rather, he should say, how few had there been? God knew he was not underrating the number who had thus lost their lives; but he asked the House to consider how few landlords had been murdered, in comparison with the whole number which had taken place in the five counties in which outrage had been so conspicuous. In those five counties there had been the following offences:—firing at the person, 85; incendiarism, 139; threatening witnesses, 1,043; firing into dwelling-houses, 93. Now, of all these, how many were attacks on landlords? There was Mr. Gloster, Mr. M'Leod, Sir F. Hopkins, Mr. Carrick, Mr. Barton, and Mr. Booth; but they formed no comparison to the number of poor and defenceless. There were instances of men in their very home being attacked, because they had bought corn at a particular price, perhaps rather higher than it was thought they ought to do. Persons were attacked and beaten in the most cruel manner with heavy bludgeons, till, in many cases, no hopes were entertained of their recovery; and in other cases men were fired at and shot under every variety of circumstances, such as it would be painful to the House to hear and for him to recapitulate. He would read, however, in the eloquent language of Chief Justice Bushe, the state of matters in 1832—a state of things very similar to the present, and which led to the Coercion Act of Earl Grey. In his charge to the Grand Jury at Maryborough, the Chief Justice then said—

"Illegal oaths are administered by them, often by compulsion, to unhappy wretches, who attribute to them an obligation which they deny to more legitimate engagements. Vengeance is denounced against all who refuse to join their associations, or resist their mandates, or give information of their crimes; by those means they become numerous, and the incessant and indefatigable plunder of arms from all descriptions of loyal and peaceable subjects soon renders them formidable. . . . The humble being who earns his bread by serving the process of a court of law is held up to public hatred, and persecuted like a noxious animal. The witness who gives evidence in a court of justice is stigmatized as an informer, and devoted to general execration; and the juryman is ordered, on pain of death, not to discharge his duty."

In speaking of the origin of these crimes, Chief Justice Bushe made use of the following passage:—

"I cannot recollect an instance in the experience of many years (and perhaps it is a formidable view of our situation), in which a man has been charged with an insurrectionary offence whose crime could be traced to want or poverty."

That state of society led to what was generally known by the name of the Coercion Bill. The hon. Gentleman opposite (Mr. O'Connell) said, the present was another version of that Coercion Bill; and the hon. Gentleman who seconded the Amendment told them that it was taken from the old Tory armoury. He would not say one word as to the armoury from which it came; but he would say this, so far as experience went of the working of the Act of 1833, there was reason to believe that, so far from being ineffective, great good was done by it in promoting peace and security in Ireland—that many persons of the humbler classes, however much they had at one time feared its enactments, from the descriptions which had been given of it, looked upon it as a blessing in having conferred upon them the security they so much required. The Act was renewed in 1834 and also in 1836; and here he would read the account given by the Inspector General of Police in Connaught, in April, 1834, of the effect of that law. He said—

"In obedience to the commands of his Excellency the Lord Lieutenant, I have the honour to state respectfully my humble opinion, that the Act, commonly called the Coercion Act, should unquestionably be renewed. It strikes me that there can be very little of objection urged upon this subject, as the manner in which the Act has been used by the Government must silence the most ardent advocate for liberty. It has not been hastily applied in any case, and, when it has been applied, it was disarmed of every severity. In a country situated as this is, the most humane and valuable authority the Executive can possess is to restrain the people from nocturnal meetings; and I look upon that provision of the Act to be the most valuable of all. The power to impose the Act on an offending district has the great moral effect of repressing outrage in the other districts; and I am quite satisfied, if the county of Kilkenny had not been proclaimed, disturbance would have spread over all the contiguous counties."

Mr. Green, resident magistrate of Kilkenny, wrote to the Lord Lieutenant:—

"The returns show the actual state this county and city were in for the year preceding the proclamation, and for the proclaimed year, by which it appears that the number of outrages committed in the former, that is from the 1st of April, 1832, to the 1st of April, 1833, amounted to 1590; whereas from the 1st of April, 1833, to the 1st of April, 1834, but 331; making a diminution of 1,259 outrages between the two years. . . . . The people have been, and are, gradually resuming their habits of industry, as the present cultivation of this country shows, and their manners are evidently changed for the better with these improvements."

One of the counties at that time brought under the operation of the Act was Queen's County; and there was no county in Ireland that had since shown more improvement or exhibited greater prosperity than that part of Ireland had done. He hoped the House clearly understood that in tracing, as he hoped he had done, the effect of the numerous attacks committed against those in humble station, and which had taken the character of revenge: in pointing out to what extent that revenge was carried, he hoped the House would give him credit for saying that nothing was more contrary to his intention than to give any opinion as to the means by which those feelings of revenge were called forth. In asking the House to suspend the law in certain portions of Ireland, they did so that the people of those districts might be enabled to enjoy the liberty and security to which they were entitled under the laws, and that they might possess those advantages which it was the object of the Constitution to confer. They should bear in mind how many threatening notices were mentioned in the papers he had read to the House. It was true these threats might be more numerous than those actually carried into execution; but they were unable to calculate the amount of terror which was produced by the amount of these notices: one carried into effect gave to all a terrible character. A whole family would be thrown into fear and alarm by a notice against one member of it; and it was, a horrible tyranny under which those persons were constrained to live. When men dared not go home from their work, or were afraid, perhaps, to go beyond their cabin doors, and were not even safe from the blunderbuss while in it, sitting perhaps with their wives and families, surely this was not a state of society in which they could say that suspending the law was a severe measure. When men were judged by secret tribunals, and received sentences coming from they knew not where—when, as in the case of Wilson, condemned by a tribunal, of the existence of which he was not aware, and his accusers all unknown, where the accuser was at once the judge and the jury, the only thing that he was not, being the executioner, for he hired some other person to execute the sentence which he had the ferocity to pass, but not the courage to carry into effect. What a state of society was it when a man could not go about on

his lawful occasions without being visited, not by an inquiry into the motives which generally swayed his conduct, not by an inquiry whether that conduct had been for the most part just, or the reverse; but visited by one of those ferocious sentences, inflicted with ruthless cruelty; and inflicted for what? Because he, a man in poor and humble circumstances, perhaps was in the occupation of land of which ten years ago some other person had been dispossessed by his landlord, the victim having had up to that moment no knowledge whatever of the dispossessed party. In this state of things surely it was puerile to say don't suspend the law; leave the people in possession of their rights and liberties; don't subject men to a measure which after all must be admitted to be much less severe than the restraints under which the people of these districts are at present compelled to live. It was true and most fortunate that this state of society was confined to but a small area in Ireland, but that was not an argument against the measure; on the contrary, the more narrow the ground, the stronger the case; the more narrow the ground, the more irresistible became the inducements to pass the measure, and the less oppressive would be the provisions which might be thought necessary in order to put a stop to these terrible evils. He trusted, therefore, that the House would look fairly at this case, and not be led away by specious declamations about public liberty and private rights, because what Her Majesty's Government did was not to restrain any private rights which at present were capable of exercise in these districts; for men were there under the dominion of a power more irresponsible than any of the powers conferred by this Bill—a power exercised by persons unseen, and for causes unknown; and exercised, too, in a manner not to be foreseen, which no conduct, no character, however excellent, no virtue, no station, could avert. He trusted the House would not reject this Bill; he asked them to read the Bill—to give a full consideration to the case. If it could be shown that these evils did not exist, let it be done; if it could be shown that they were exaggerated, let it be pointed out where; if it could be shown that the provisions of this measure were not applicable to the peculiar state of the case, let it be pointed out; and also how the measure might be made to meet the evils which the Government and all the House were anxious to see put an end to. Let the opponents of the measure do this; but do not let them mix up with the consideration of this measure that of the ultimate remedies for the state of things now existing in these districts. Those remedies all parties in the State wished to see carried into the fullest effect; but it was surely plain that the consideration of them was and must be made a separate one. The opponents of the measure said these were not religious or political evils. He believed they were right. He did not believe that this state of things had arisen out of religious considerations, because he saw that the victims of these outrages were not exclusively Protestants. He did not believe they arose out of political considerations, because men of all political parties suffered under the system. If, then, it was not political and not religious, why not attempt to eradicate the evil at once? Why stay until they had got at the exact cause of the evil? But what remedy was to be applied? The only remedy which had been suggested was, that some measure should be introduced for the improvement of the relations of landlord and tenant in Ireland. Her Majesty's Government agreed in the propriety of that; and they proposed very shortly to lay on the Table of the House a measure for that object, which he trusted would meet with the approbation of the House and be carried into a law. But he hoped that no Gentleman would be led away by arguments so sophistical, as he must think them, as that, because they might trace up these evils to something peculiar in the social condition of the Irish people, therefore they must postpone taking any steps to arrest these evils until the remedies they wished could be applied, which he said, be they as effectual as they might, could not produce their fruits in any short space of time. Confidence was a plant of slow growth; and, granting that all these measures which the opponents of this Bill would prescribe, were to turn out most perfect—granting they were a cure for all the evils of Ireland, civil, political, and religious, still before these measures could produce their effect, the House would see a repetition of the present evils constantly recurring, if they were not checked at once with a strong hand. Another generation might grow up who, under the gradual operation of these remedial measures, might find security for life and property; but let not the House think that on that ground, and on that expectation, they could throw off the present responsibility of dealing with these great

evils—evils affecting not the landlord only, not the Protestant only, but the humblest classes among the people of Ireland; men whom they were especially bound to protect, and who did, he had reason to believe, look forward to such legislation at the hands of the House as would relieve them from that system of terror which disabled them from making those efforts on which, much more than any legislation, he did believe the legitimate prospects of the prosperity of Ireland depended.

LORD J. RUSSELL: Mr. Speaker, I rise with considerable anxiety to answer the appeal of the right hon. Gentleman the Secretary at War; and I must say, that it is a great satisfaction to me in doing so to observe that the speeches which have been made on this occasion, beginning with the speech of the right hon. Gentleman the Secretary of State for the Home Department, have been marked by temperance and forbearance, and that the House seems fully aware of the great importance of the subject we are discussing. Sir, I readily confess that when the case is brought before us of many crimes of a dreadful character committed in certain counties in Ireland, we, having by the Act of Union between the two countries taken upon ourselves the responsibility of legislating for that country, are bound to take every care that due protection is given to life and property, on the one hand, and that no unnecessary infringement of liberty should take place on the other. Such, Sir, is the burden which is placed upon us, and such is the burden that we cannot shake off, but must endeavour manfully to bear. But when the right hon. Gentleman opposite tells me that he wishes the present Bill to be read a first time, and that he has stated sufficient grounds in the narrative of crime which he had made to the House to induce it to admit that first reading, I will so far agree with the right hon. Gentleman that I regret the first reading should have been taken as the stage upon which this question of the rejection of this Bill altogether is to be tried. But the occasion having been taken, I do not feel myself relieved from the responsibility of stating how far I think the measure of the Government ought to be sanctioned and admitted by this House, or how far we ought to agree with the Ministers in the policy they are at present pursuing. I think that, looking to the Bill itself, there was a remarkable failure in the statement of the right hon. Gentleman the Secretary of State for the Home Department. The right hon. Gentleman, Sir, stated very clearly the places in which these crimes are taking place, and to which they are confined. He stated also the counties in which these crimes have increased; he stated the nature of these crimes; and with the utmost clearness he mentioned the precise enactments of this Bill. But the most important step of the whole deliberation—the most important which the House could enter upon—viz., the connexion of the evil with the remedy, of the disease with the cure—that step was lightly and briefly passed over by the right hon. Gentleman. He stated that these evils exist in certain counties, and he then stated at once the enactments of this Bill. But how the right hon. Gentleman proposed to prevent these crimes, how to prevent murder by this Bill, in that step I think the right hon. Gentleman's demonstration was incomplete. If therefore I should agree that the House would do well to assent to the first reading of this Bill, I think I am bound to state also, that in the future stages of it, I shall have objections to offer going to the foundations of some of its principal provisions. I do not blame the Government for the existing state of things; nor whatever may have been done by former Governments, or the Government in which I bore a part, do I think a *primâ facie* case is made out against them as the cause of the increase of crime. In my view, these crimes, connected with the social state of that country, which have now gained such force and front, have been operating with more or less force for the last eighty years. It was early in the reign of George III., if I am not mistaken, that crimes of this description, in Ireland, first attracted the notice of statesmen. That our ancestors, and that we ourselves, have not applied sufficient remedies to these evils, may be matter of blame; but, that there should now appear in that kingdom the long catalogue of crimes which the right hon. Gentleman read to us, I do not consider as of of itself furnishing ground of accusation against the Government. But when I come to consider the remedies, reflection induces me to think that we ought not to rest satisfied with having copied the measures which for forty or fifty years have been transmitted to us; and I think we ought to observe in this case that great rule of legislation, that we should endeavour, as much as possible, not to confound

the innocent with the guilty. I can exemplify what I mean by reference to some very severe Acts that have been passed at different times for putting down crimes of somewhat similar character to these at different periods of our history. In the reign of George I. an Act was passed for putting down a crime which beginning, I think, with deer stealing, attained at last such a height, principally about Waltham, that bands of armed men appeared in the night with their faces blackened, and committed various outrages, such as setting fire to houses, and other crimes endangering life and property. Parliament, in order to put a stop to these excesses, thought fit to pass a stringent Act, going beyond the ordinary severity of the law; but although the Parliament determined to put a stop to men appearing in arms at night with blackened faces, and firing houses, they took care to point out that which should serve as an indication of the crime which they desired to check; and therefore they enacted that persons going with their faces blackened and armed at night — things which tended to show that they were engaged in some project directed against life or property—should be amenable to the law. Then, in the instance of the Whiteboy outrages, the Parliament of Ireland took similar precautions for the guidance of the persons to whom it confided the execution of the law which it passed to put down those outrages. They enacted that persons going armed in disguise, and wearing badges, or dressed in a particular manner, should be liable to the penalties of the law. To take slighter indications of the crime aimed at, they probably considered would not have been safe, though they did take slighter indications than are usually admitted by the law, to show that the persons arrested were persons of whom it was presumed from these appearances that they were compassing an offence, and meditating a crime. But when I come to this Bill, and similar Bills which have been passed with reference to Ireland, I find that the offence designated is the offence of violating the proclamation of the Lord Lieutenant, forbidding the inhabitants of the district to be out an hour after sunset and before sunrise. Now, Sir, that of itself is not an offence. It is a thing that is likely to be committed by persons of the most innocent lives; and we know that on former occasions, under Acts of this kind, persons in Ireland, engaged on their innocent and lawful occupations, have been arrested and placed in prison; and it is even alleged that persons who would have proved their innocence have been transported under these laws. Now, Sir, be it observed that it is a habit of many persons in Ireland, as it is in this country, to be out after sunset in spring, summer, autumn, and winter, for objects to which no blame can attach. A peasant is afraid that his cattle may have wandered—he goes out to see after them; or that his fences have been broken—he goes out to see that they are not broken; or he may have been attending somebody that is dying; and on some more joyful occasion he may have been, perhaps, to a fair or merry-making; and such persons, let me observe, are more likely to be found out after dark and arrested than those whose objects render it necessary for them to observe more mystery. Nevertheless the peasant I have described is liable, if found out of his home, to be brought before a magistrate; and unless he can show a lawful purpose for his being from home, he may, if the person arresting him think his being out suspicious, be committed by the magistrate to prison for trial. Now, Sir, I think this Bill so liable to objection in this respect, that if it reaches the Committee, I shall endeavour to demonstrate to the House that it ought to be amended, so as to render it similar to the enactment which I have mentioned as having been passed for this country and for Ireland on similar occasions, and that we ought to have and describe some precise indications by which it may be known that the person is suspected of an attempt at crime. Sir, if we do not adopt that course, I am persuaded we shall run great risk of causing an insurrection in those districts. If we involve in our criminal net all the population of the country, we run great risk that those who have no connexion with crime may become so discontented with their situation, that we can no longer depend upon them either for the maintenance of the law, or for that which it is admitted they retain at present—their political allegiance. I should wish the clause enacting this to be omitted from the Bill altogether; that is to say, I would omit the clause enacting that all persons who, after the Lord Lieutenant's proclamation, shall be found out of their houses between sunset and sunrise under suspicious circumstances should be liable to arrest; and, instead of saying "under suspicious circumstances," I would state distinctly what are the suspicious circum-

stances which would justify the magistrate in committing the person arrested to prison. With respect to the means for enabling the Lord Lieutenant to impose a rate upon the people for the payment of an increased constabulary force, I think that so much a matter for consideration in Committee, that although I think there is some weight in the objections which were made to it, yet, on the other hand, it is so desirable to have an increased constabulary force in the offending districts, that I think the Bill should go into Committee for the purpose of considering that clause. But now, Sir, there is another question which arises upon this subject—I cannot but refer to this Bill as originally introduced. I hold a paper in my hand which is published in this town, giving an account of the five stages of the Bill as it passed through the House of Lords; and I cannot but remark that as that Bill was introduced it was a permanent character, and contained no clause by which its duration was limited. It has been my fortune, Sir, to hold a situation in which I was to a certain degree connected with the Government of Ireland. I certainly did not interfere actively in that Government, but I considered myself responsible for the acts of the Government, and took care to be informed of every step taken. Now, during that time I agreed to a Bill of a similar character to the present; but I agreed to it under the persuasion that means might be found of so executing the law and administering the government of Ireland, that it would not be necessary to put that Bill in operation. The Bill of 1835 is the one to which I now allude. With reference to that Act I do not remember any case whatever in which it was put in operation during the five years which it remained on the Statute-book. The right hon. Gentleman who spoke last, said that confidence was a plant of very slow growth on subjects of this kind. I quite agree with the right hon. Gentleman in that sentiment. It was from being convinced of the soundness of that opinion that I agreed to any measure of this kind. But, Sir, during the time in which Lord Normanby was Lord Lieutenant of Ireland, and in which my noble Friend near me was Chief Secretary for Ireland, and in which Sir Michael O'Loghlin, Chief Baron O'Grady, and Chief Baron Woulfe, held distinguished situations as law-officers of the Crown, it was their endeavour—and I had the satisfaction of witnessing rather than superintending their earnest, patient, and constant endeavour—in conjunction with my lamented Friend, whose memory I shall ever hold in respect, I mean the late Mr. Drummond—I say I had the satisfaction of seeing their efforts from day to day to inspire the people with confidence in the ordinary administration of the law, crowned with success. They did, to a great degree, induce the people of Ireland to believe that if those quarrels which they were apt to dispose of by bloody arbitrement were brought into a court of law they would have justice; and by that means the ordinary powers of the Constitution were found sufficient for Ireland as they were for England. I had the satisfaction of thinking that that great measure, to a certain extent, succeeded; that although the short period, during which the attempt was made, was not sufficient to give that perfect confidence in, and that constant reliance upon the impartiality of the law which should exist, yet there was great progress made in establishing that, which I think must be the stable foundation of the future welfare of Ireland. The right hon. Gentleman who spoke last has denounced or rather protested against all party allusions on this subject. The right hon. Gentleman and those who act with him were not always so scrupulous. I read with some astonishment a speech which was delivered not long ago by that right hon. Gentleman to his constituents, in which he stated that the late Gevernment had left Ireland on the eve of an insurrection, and that the present Government had restored it to tranquillity. Now, Sir, while I acquit the Government of having, by any acts of theirs, produced the present state of crime in Ireland, yet I cannot think that the right hon. Gentleman and those who act with him ever did justice to our exertions, or ever fairly represented the state of Ireland under the late Administration. I was in hopes that when the Bill of 1835 expired, it would not be necessary to ask for any other Act of a similar nature. I am sorry to find that the Government of the present day say that it is necessary. I am sorry to hear the right hon. Gentleman likewise protest against the mixing up of the question of remedial measures with the present Bill. I think this is a serious, I had almost said a fatal, mistake on the part of the Government. They must be aware, connected as they are with a party in Ireland, which is but a small minority of that country, that they should endeavour

by every means in their power to make an impression in Ireland of their fairness and impartiality; and they should avoid above everything exciting the suspicion that they are not bringing forward, earnestly, remedial measures at the same time that they are bringing forward measures of coercion. Observe, that this is not a Bill brought forward on the first days of the Session, accompanied with a declaration that it must be passed in great haste, because murders might be prevented by its immediate application. This Bill has been under consideration for some time, and cannot pass for one, two, three months and a half, probably nearly four months, from the first meeting of Parliament. Why, then, should it be said, in respect to a measure of this kind, that it is wrong to introduce remedial measures at the same time? Allusion has been made to a Bill which was called a Coercion Act, under Lord Grey's Government, for which I, as one of the advisers of the Crown, was responsible. That was a measure far more severe than the present. It was intended to meet a serious and calamitous state of things; but the Government which brought that forward felt it to be their duty to introduce remedial measures, at the same time that they introduced that measure of severity. It was stated by a right hon. Gentleman the other day that Parliament met that year on the 29th day of January, and that the Bill was introduced on the 22nd of the following month. Though Parliament met on January 29th, some time was occupied by the election of a Speaker. It will be remembered that the King's Speech was not delivered till the 5th of February; and on the 12th of February, one week after that, Lord Althorp introduced a measure which, besides making a great reform in the Protestant Church of Ireland, exempted the whole Catholic community of Ireland from the payment of church cess, which had previously been felt as a very great grievance. On another day Lord Althorp declared his intention of pressing through Parliament a Jury Bill, which was brought into the House the previous Session, but which was allowed to drop in the House of Lords. On the occasion of the first introduction of the Coercion Bill—when it was ordered to be printed, I think—the hon. and learned Gentleman who moved the Amendment to-night asked Lord Althorp what were his intentions respecting the remedial measures. Lord Althorp said he had already announced several remedial measures, and that he trusted the House would have sufficient confidence in him to believe that he was in earnest in wishing to carry them through, and to approve of the course he had adopted. The hon. and learned Gentleman said he was not satisfied, and asked what expectation Government had of carrying their measures through the other House? Upon which Lord Stanley at once declared, that unless the remedial measures were passed as well as the measures of severity, the Government was at an end. This was the spirit in which Lord Stanley, as a member of Lord Grey's Government, then acted. There is another declaration which Lord Althorp made, which, somehow or other, seems to have been forgotten. It was a declaration with respect to the municipal corporations of Ireland. Lord Althorp proposed to refer that subject to a Committee. He said, that there was a Bill introduced for the reform of the corporations of Scotland, but he would refer the subject of the English and Irish corporations to the same Committee; and he said he should give his reasons for this. He said—

> "In the first place, it was exceedingly desirable that the institutions of the two countries should be assimilated as much as possible; and, as a general rule, whatever it was proper and right to do with respect to a corporate body in England and Wales, it would be proper and right to do with respect to a corporate body in Ireland."

That was the simple, plain, but emphatic and decided statement of Lord Althorp, on the 14th of February, two days after the introduction of the measure for the abolition of church cess, and eight days before the Coercion Bill was introduced into the House. I find that the hon. and learned Gentleman (Mr. O'Connell) said on that occasion—

> "He knew of no greater grievance in Ireland than the existence of the corporations in question in their present shape; and nothing could be more satisfactory to the people of Ireland than the approaching certainty that that grievance would be redressed."

This was in the beginning of 1833. Thirteen years ago the hon. and learned Gentleman declared his confidence that the grievance was about to be redressed. There was a Commission on the subject in 1836; a measure was afterwards introduced; it was passed by this House, but was thrown out by the other House of Parliament. Three or four years were taken to discuss it. The measure was at length passed; but in a crippled state, not giving the people of Ireland that, which, as it

seems to me, they had a right to, after all the pledges and promises made at the Union and afterwards; and it is only now, in 1846, that the right hon. Gentleman (Sir R. Peel) has promised that the corporations of Ireland shall be placed on the same footing as the corporations of England. Why, I say, does not this show that there is a tendency to refuse what is just with respect to Ireland? and does it not, in a great degree, justify the mistrust of the people, when the Government declare, at the same time that they have continued these acts of partiality, that they wish to legislate for the good of Ireland —that they are as anxious for the good of Ireland as the Irish themselves—and that there is no privilege which England enjoys which they are not willing to concede to their fellow subjects on the other side of the Channel? There is another important question upon which I would hardly have pressed the Government, were it not that by the testimony given to-night, and which I have heard frequently given by themselves, they have become debtors to Ireland, by the obligations which they have voluntarily incurred. They appointed a Commission to inquire into the tenure of land in Ireland. That Commission went through Ireland, evidence was taken, and the knowledge that some recommendations would be made, induced a belief in the mind of every person that such laws would be introduced as each man imagined would be a remedy for the grievances which had long been felt. That the relation of landlord and tenant is in an unsatisfactory state is what no one will deny. That any Bill which this Parliament can pass can so regulate these relations that there will not be much left to the justice, the sense of fairness, the moderation and good sense of the landlord, on the one hand, and the tenant on the other, is what no man can affirm. But this state of things makes it absolutely necessary for the Legislature to do all that it can. It is necessary to do so, in the first place, because the law is in an unsatisfactory state, and such grievances as can be remedied by the Legislature ought to be remedied by legislation. It is necessary, likewise, to do this, in order that the extravagant expectations — expectations naturally extravagant — which were raised by the appointment of the Landlord and Tenant Commission should be set at rest and quieted by our decision. That is what we can do, and that remedy is in your power. You should call on Parliament to devote its utmost attention to the subject. But you should let parties know that if they ask us to go further, and disturb the very principle upon which all property rests, and thereby make property less secure in Ireland than it is in other parts of Europe, then it is full time that you should convince them that they are in error, and call on them to relinquish such expectations. You must let it be known, in justice to all parties, that Parliament can do no more than secure the property of each person, whether landlord or tenant. With reference to this subject also, I trust that, before the second reading of this Bill, a measure will be laid on the Table of this House, having reference to the law of landlord and tenant, that we may know what are the intentions of the Government on that subject. In asking that this should be the case I think we are asking no more than Lord Althorp and Lord Stanley were ready to propose when they made themselves responsible for the severe Coercion Bill of 1833. I am not disposed to shrink from the responsibility of that Coercion Bill. I thought at the time that it was necessary for the purpose of preventing murder and outrage. I had no other feeling in assenting to the Bill. But I am not convinced that it is necessary that you should have similar provisions in any Bill to be passed now. I am disposed to think that a Bill with other provisions, more resembling those Acts passed as to crimes of this nature both in England and Ireland, would be more effectual for your purpose, and less likely to excite that irritation and discontent which, above all things, we ought to fear in Ireland. Let us remember, in legislating on this subject, that although we agree with the right hon. Baronet the Secretary for the Home Department and with the right hon. Gentleman who has last spoken, that there can be no more serious evil, to the poor as well as to the rich, than the prevalence of those organized bands who take the case of every man, rich and poor, under their own decision, and before whose secret tribunal the case is not weighed in the scales of justice, but dashed down by the hand of passion; while, I say, we agree that there can be no greater evil to a country than this, yet in legislating for Ireland we must not forget the whole state of that counrty. I will not now occupy any length of time, by glancing even at the principal topics suggested by that subject; but I

wish you to keep in mind this main consideration, that the attachment and affection of the people of Ireland are to be preserved by your showing the utmost care that you do not neglect their interests —that you are not disposed to punish crime in that country by a different measure to that by which you punish it in England—that you will take seriously into consideration their grievances. And here, Sir, though I don't wish to enter into those party discussions which the right hon. Gentleman deprecates, I cannot but regret that the measures of the present Government, even when they have had the best intentions, have not been such as to inspire in Ireland confidence in your justice, and respect for your authority. Time has been allowed to go by, while the tranquillity which this Government found on coming into office continued to prevail, as if there were not great grievances remaining which required the master hand of the Minister to consider and redress; and, when grievances give rise to complaint, and complaint is followed by remonstrance, and remonstrance grows into a wide-spread and formidable agitation, then remedies are applied, just, perhaps, as far as they go, with this fatal taint about them, that they are attempted to be undertaken because there are in existence associations formidable to your power. It seemed as if the maxim of the Government had been not *fiat justitia, ruat cœlum*, but *ruit cœlum, fiat justitia ;* as if the remedy following the loudness of the complaint was intended to divide the agitators and complainants, rather than simply to dispense justice to those who complained. Sir, I do hope that in the measures to be framed the Government will proceed in a different spirit; that they will have no secondary and inferior object of attaching part of the Catholic clergy to one side and part to another—of putting down agitation in this part of the country or in that—or of weakening this association or that ; but that the Government will seriously consider what were the promises made by this and the other House of Parliament at the time of the Union—promises dictated by Mr. Pitt, and acquiesced in by both Houses ; that they will look to the account ; see whether these promises have been kept ; and, if they have not been kept, then that they will fulfil them at once, not as a concession to demands, but as a simple fulfilment of justice.

MR. S. HERBERT rose for the purpose of correcting a misapprehension into which the noble Lord had fallen, respecting a statement made by him (Mr. S. Herbert), in a speech which he had not long since addressed to his constituents. He had not stated in that speech that Ireland was at the time less disturbed than at the period of the accession of the present Government to office ; but he had merely said that Ireland was then less disturbed than at the period preceding the State Trials.

LORD J. RUSSELL said, he was glad to hear that explanation from the right hon. Gentleman, as it entirely removed the misconception into which he and others had fallen upon that subject.

MR. BRIDGEMAN : The right hon. Baronet the Secretary for the Home Department referred to a threatening notice which had been sent to Mr. Wilson of the county Clare. As he was acquainted with all the circumstances of that case, he would state for the information of the House that Mr. Wilson, having introduced a system of subsoiling, to which his tenants were opposed, they did forward him a threatening notice, but not with the intention to do him bodily harm, but merely to deter him from persevering in a course to which they were opposed.

MR. J. KELLY would not have so soon after taking his seat in the House, obtruded himself on its attention, were it not from his thorough conviction of the dire consequences which would ensue to Ireland, if the Bill before the House were suffered to pass into a law. So strong was that conviction impressed on his mind, that he could not content himself to give a silent vote to a Bill which would brand his country as a nation of assassins. It was, to be sure, stated by the right hon. Baronet at the head of the Government, that it was his intention to find employment for great numbers of the people of Ireland ; but he would ask, would not the tendency of the contemplated measure be to give them employment on board the hulks, or to drag out a miserable existence in chains in Sidney, or in some other penal settlement? The Bill before the House, instead of providing the poor of Ireland with the means of procuring wheat and oats, and other agricultural commodities, to meet their pressing necessities, rather makes provisions for an armed soldiery, or insolent police force, to promote and to secure, as may be supposed, the peace of Ireland ; but his firm opinion was, that instead of checking crime, it would rather give an increased stimulus to disturbance.

Such was his indignation at the contemplated measure, that he was surprised that hon. Members from all sides of the House did not rise up in a body to protest even against its very introduction. It was a reflection on their sense of justice. He objected to the Bill, because if carried into a law, it would completely subvert and destroy all constitutional freedom in Ireland. He objected to the Bill, because there was not made out a sufficient case to justify its introduction; and he was certain, were such a measure brought into that House having England for its object, resting only on the evidence adduced by the right hon. Baronet the Secretary for the Home Department, such a shout of execration would be raised against it by every English Member, and who would be joined by the Irish landlords of that House, as to compel its withdrawal. He objected to the Bill, because it had not been proved that the law in force in Ireland, if carried out with justice, with firmness, with impartiality and energy, was not sufficient to meet any emergency. The law, as at present, was found rather too strong on a recent occasion in the perpetration of what he must call a most sanguinary act; he alluded to what had happened in Mullingar, where an unfortunate individual had suffered the extreme penalty of the law. When that man was first put on his trial, the jury disagreed: what was the course then pursued by the Government? On the next day but one they put the unfortunate man again on his trial, and in empannelling the jury, there was struck off some of the most respectable men in the county; and why were those men excluded? Because they happened to be of a particular religion? Were they living in the nineteenth century, or were they living in the bloody days of an Elizabeth, or a Mary? Was the right hon. Baronet, by such a Bill, about to revive the dismal scenes of those periods? If the House were to support the right hon. Baronet and his Colleagues in such a project, there might be posted up in every jury-box in Ireland a placard containing the famous inscription, which was emblazoned on the gates of Bandon—"Turk, Jew, or Atheist may enter here, but not a Papist." He objected to the Bill, because there was not a commission instituted to inquire into the state of crime in those five counties, which, it appeared laid the foundation for that Bill. If a commission so instituted had produced such evidence as would prove that the law could not be vindicated without such a measure as that before the House, he would even consent to the introduction of a stronger one; but that such would be the case was very doubtful. He objected to the Bill, because it should not be brought forward except as the last resource, and only when every remedial measure had been tried and had failed. He objected to the Bill, because of the arbitrary power it would confer on the underlings of a Government, which had by its most unconstitutional proceedings conduced to bring the law into contempt in Ireland—and which was the case in the late State prosecutions. It had been stated by the right hon. Baronet and his Colleagues, that the hon. and learned Member for Cork had a fair trial. That might be their opinion; but he would tell the House that such was not the opinion entertained by the people of Ireland. A Conservative gentleman of a most influential family, resident in Limerick, was asked, "Do you conceive Mr. O'Connell had a fair trial?" His answer was, "A fair trial, Sir! Do you think I am a fool? He had not a fair trial; if the Government had given him a fair trial, I would have become a Repealer." Let the right hon. Baronet at the head of the Government, instead of bringing in coercive measures, let him bring forward conciliatory measures; let him bring forward measures which would meet the approbation of the Members for Ireland; which would meet the wants and wishes of the people of Ireland. Let him restore those magistrates who were so unconstitutionally superseded: and superseded because they advocated the repeal of an Act of Parliament. He could in truth affirm, that those Members who opposed the Bill before the House were as anxious to promote the tranquillity of Ireland as any Member of Her Majesty's Government. Their time, their talents, their energies, all their ties, were connected with the "green isle." They were not men who were anxious for anarchy or for confusion. Their wish was, that peace and happiness and concord should reign triumphantly in Ireland; and because that was their wish, they were anxious to stop the progress of a Bill which could not retard, but rather accelerate, crime. Instead of making matters better, it would only increase the crimes it was intended to repress. Entertaining such feelings, he would oppose the Bill; he would do everything in his power to oppose it: that was his determination,

and such being his determination, he would cheerfully support the Amendment which had been brought forward by his hon. and learned Friend the Member for the county of Cork.

Mr. SEYMER could not discover any wish on the part of any in that House, or of any section of any party in that House, to trample on the liberties of the people of Ireland. It was therefore a very serious thing to make such a charge, nor should it have been lightly made. In reference to what the hon. Member who just sat down had stated, he would ask him to point out a single English county in which murders were committed in noon-day. Let him show a single county where secret tribunals sat to adjudicate on the cause of others—there to decide, and of themselves, who should be first murdered, who should be first sacrificed to their vengeance. Let him point out where such a state of things existed in England. Let the hon. Member point out where, in England, the practice prevailed of intimidating witnesses from coming forward to give their evidence before a jury, no matter how important or how trivial the case: were not witnesses always, in England, at liberty to act according to their own discretion, without fear, and without intimidation? Let such a county or such a district in England be pointed out, and he would assist the Government to have such a county or such a district brought under the provisions of the Bill then before the House. On referring to the records of the crimes of Ireland, he found that out of 170 who were charged with the crime of murder, only eight had received the sentence of death. In that enumeration he had omitted cases of shooting and other grievous offences, which were in many instances not less aggravated in their character than that of murder. But he might fairly assume that nine-tenths of the offences in Ireland were against the person. Suppose that crime to that extent prevailed in England—suppose that nine-tenths of the crimes in England were against the person—would it not be absolutely necessary to introduce some measure which would check crime of so alarming a character. He, for one, would be very sorry to let such a state of things continue, from the difficulty to get juries to convict, even on the clearest evidence, and while the peasant should be tried by his peers as the law directs. Yet it was, in his opinion, that in the disturbed districts of Ireland, the services of a class of persons as jurors, should be secured, who would be free from dictation, above intimidation, and who would give their verdict according to the evidence produced. While the crimes committed in Ireland were not of a political nature, yet he could not quite acquit those persons who were connected with those political agitations which prevailed in that country. He would not accuse any hon. Gentleman of encouraging crime, yet he could not separate from his mind one fact, that those who sympathized so deeply with the people of Ireland, would appear also to sympathize with them in their crimes, and thus indirectly, as it appeared to him, to encourage crime in Ireland. Allusion was made to the case of Seery; but that individual was convicted on the oath of a most humane and a most respectable gentleman, Sir Francis Hopkins. He was convicted on his oath: the verdict was brought in by the jury, and of that verdict the Judge approved, and the sentence was carried into execution by the Government. He was aware that the rev. Mr. Savage expressed his belief that Seery was innocent, and for no other reason but because Seery had said so. But if hon. Members were to look at the list of criminals executed in the course of the last century, they would find that one-half of those who suffered the penalty of the law had asserted their innocence; and did they believe that half the number of those who suffered death for the last hundred years, died innocent victims? In an account which was given of Seery in the *Freeman's Journal*, he was styled a "martyr." When a convicted murderer was so designated, when he was called a "martyr," had he not a right to assume that such a proceeding was well calculated to encourage crime in Ireland? But there was something connected with the conduct of some public men, which made it difficult to understand their actions. In England things were properly designated. They were honestly called by their proper names; but such was not the case in Ireland. For instance, in Ireland there was what was called the "Loyal Repeal Association;" but if it were a loyal association, why should men of talent connected with that association create dissension and disunion between that country and England? If "loyal," why excite hostile aggression against this country? In Ireland even the press abused the liberty which it enjoyed. What was the language of the Repeal press in reference to persons who emigrated

to America? That "if they were to fight, it would be for that country which supported and which would protect them;" "that there they might be enrolled as Irish brigades to oppose British insolence, and to revenge British oppression." Was that "loyal" language? Gentlemen met week after week, and made speeches in a place called "Conciliation Hall," the tendency of which was to create dissension among Her Majesty's subjects; but to call such a place "Conciliation Hall," even in Ireland, was rather a bad joke. But the language of "Conciliation Hall" had excited the people to such a pitch, that a gentleman, who bore the title of "head pacificator," had to be sent on a message of "peace" through the country. In his tour he visited the North of Ireland, which, if not the signal for bloodshed, was certainly the cause of just alarm to the peaceable and industrious subjects of that province. He would refer to a most deplorable circumstance—the disposition which so generally prevailed in certain districts of Ireland to shoot the resident landlords; it would appear as if they wished to get rid of them altogether. It appeared to him that however much of what was amiable and generous was to be found in the Irish character, yet there was a signal want of what Englishmen would call plain common sense; and perhaps one of the advantages of the Union with England was by its common sense to modify and regulate the magnificent and flowing ideas of Irishmen. He was much struck with an observation which was made to him by an Irish resident landed proprietor. He would not mention his name, as he did not wish to expose his friend to danger. What was the observation of that Irish gentleman? "It is well known," said he, "I am opposed to a repeal of the Union, because I know it would be a great injury to the country: yet I am quite sure that no Parliament composed of Irish gentlemen would long assemble in College Green without adopting some measures for the protection of life, and for the security of property in Ireland. You can form no accurate idea of the state we are in here. We must always, in these parts, carry with us loaded pistols, and not unfrequently it is necessary to be accompanied with mounted police." He expressed surprise that hon. Members opposite, who represented Irish constituencies, could oppose the first reading of a measure that had already obtained the sanction of the House of Lords, having for its object the suppression of crime, and the protection of life in that country.—The hon. Member concluded by thanking the House for the attention with which they had heard his observations, and intimated his intention of voting in favour of the first reading of the Bill.

Mr. P. S. BUTLER said, that after the speech of the hon. Gentleman who had just sat down, he felt greater diffidence than usual in addressing the House; but, for his part, he could not aspire to the distinction of being a fluent and eloquent speaker, and would only endeavour to adhere to the sound principles of common sense which, as far as he knew, had always had some influence with a British audience. He denounced as much as any one in that House the horrible, disgraceful, and cowardly act of assassination; and he believed that the hon. Members who sat around him fully entertained similar feelings on the subject. But he was also opposed to the introduction of the measure proposed by Her Majesty's Government—not only, he said, because it was opposed to the great principle of the Constitution, but that he believed it would prove ineffectual in the attainment of the object contemplated. He had no hesitation in saying that if it was even proposed to suspend the Habeas Corpus Act—which was so repugnant to the British people—if he felt satisfied that it would have the effect of putting an end to those disgraceful acts in Ireland; he would be the last man to interfere when the adoption of the measure by the House would have the effect of putting an end to those acts, which he considered to be a disgrace to the country to which he belonged. He could not, however, look upon the proposition under discussion as anything more or less than an old friend with a new face. He had some little experience in Ireland, and it was his solemn belief that if they passed that Act, it would entirely fail in the object proposed. He recollected the occasion when the Insurrection Act had been introduced into Ireland, and the reasons which had led to it, which he would take leave to relate briefly to the House. There was a nobleman, who had been residing in this country, who possessed a very large property in Ireland, the leases of which were about to fall, and were only depending upon a single life. The persons who were in occupation of this land were in a comparatively independent station in life, and in a higher class of society than usually held similar tracts

of land. A number of these men decided upon coming across this country for the purpose of making fresh proposals to the nobleman who was their landlord for a renewal of their leases. The agent, who lived in that country, on hearing of their determination, told them that they were about to spend their money in a very useless errand, alleging that their landlord would not receive any proposal that might be made direct from themselves; and then he volunteered to come across himself for the purpose of doing what he could with his Lordship for them. Those men confided in the gentleman who made the offer to them, as he was a large leaseholder, and brother to a Roman Catholic bishop; he came across to this country, but instead of making arrangements on behalf of the persons who had commissioned him to act for them, he obtained for himself leases of the entire land which they held, and some time after his return to Ireland he had the whole tenants upon that property ejected out of their holdings; the consequence of which was, that not many weeks had elapsed after his having done so, before this gentleman was murdered on the road to his private residence. He did not mean to say that that murder was justified. There were six men tried and found guilty of having been the perpetrators of the act, upon what did not appear to him, as he was present at the trial, to be very conclusive evidence. One of the witnesses was an approver; and the evidence of such a person should always be received with great caution. The other witness was a young woman of rather questionable character, and the corroborating circumstances were not very strong. However, the jury who tried the prisoners found them guilty, and they were all executed in the county Kilkenny. But mark the result of that trial and execution upon the minds of the people it was intended to deter: the nephew of the gentleman who had been murdered, was also murdered within a quarter of a mile of his own house, within a short period of the execution that had taken place. It was shortly after these occurrences, he said, that the Insurrection Act had been introduced into Ireland, and all parties agreed in opinion that it had entirely failed in the object for which it was intended, and that there never had been a more useless measure proposed. The hon. Member for Dorsetshire (Mr. Seymer), had refered to an article in the *Nation* newspaper; but without replying to that hon. Member's remarks in similar language, he could sufficiently retort upon him, by quoting the language that had been used by a writer in one of the principal morning papers in London, in reference to a priesthood, amongst whom there were many good Christians. Had the hon. Member not read, he asked, in an English newspaper, an article wherein they were called "surpliced ruffians," and a "demon priesthood?" The noble Lord the Member for Lynn had, in an eloquent manner, spoken of the heinous crime of murder in Ireland—more particularly of that of women—which he deeply deplored had too often taken place; but at the same time he wished to observe that the crime did not appear to be confined to Ireland; and if he was disposed to recriminate, he could point out a history of cases that had recently occurred in England fully as bad as those that had taken place in Ireland. By a Paper that had been printed containing an analysis of the crimes committed in England, as compared with those of Ireland, he found that in 1845 no less than 113 murders had been perpetrated in England, the majority of which were of women; but he would not harrow the feelings of the House by entering into a narrative of the particulars. That that description of crime was on the increase in England could not be denied, he said, as it had been already admitted to be so by the *Times* newspaper, in proof of which he read the following extract from that paper:—

"By far the most serious feature of the age is the increase of infanticide. Not a day passes but the disclosures of an inquest or a trial establish the melancholy truth that human life is losing its value in England. The laxity of the verdicts, and the leniency of the sentences, equally prove that we are becoming familiarized with the crime, and that we consider it palliated by the extreme provocation of the circumstances. Crime, however, is crime, and its guilt rests somewhere. If it rests not on the person, it rests on the system—on those who tempt, and goad, and drive to crime. We are relapsing into a criminal and vitiated system. What we have been accustomed to read of with horror, the indifference to infant life in Lacedemon, in Rome, and other States of heathen antiquity, in China, in India, and elsewhere, and what we have set down as the worst blot in their imperfect civilization, is becoming the characteristic of England."

The hon. Member apologized for having occupied the attention of the House so long; he wished that his motives should not be misconstrued, and repeated his opinion that the Bill brought down by Her Majesty's Government was not calculated to effect

the suppression of crime, but only aggravate and increase it, and therefore he was determined to give it his most decided opposition.

Mr. FITZGERALD said, he felt great embarrassment in being obliged to oppose the measure under discussion; but he hoped that the course he was about to pursue would not be misconstrued. He believed it to be his duty to give his vote against the measure; and he wished it to be understood that his doing so should not be attributed to party feelings, as he should be happy to support Her Majesty's Government upon every measure that he believed really calculated to benefit his country. He was willing to give his support to any measure that would have the effect of putting an end to the commission of crime in Ireland; but he could not believe that the measure proposed would do so. One clause of the Bill included the county (Tipperary) that he had the honour to represent. He regretted most sincerely the number of assassinations that had been committed in one riding of that county; but the right hon. Baronet had made a great mistake in not making a difference between the north and south riding of the county, for although the northern riding was in a very disturbed state, and outrage was of frequent occurrence there, in the south riding it was quite the reverse, as the people were all orderly, peaceable, and industrious, and a great many of the inhabitants belonged to the Society of Friends. There were many causes in Ireland tending to embitter the feelings of the peasantry against the aristocracy. There was the difference of religion, and the consciousness that the majority had been misgoverned and severely dealt with, on account of their faith. There was, too, the oppression that had been in many cases practised on them, because of their voting, not on the side of their landlords, but according to their consciences, at elections. When the 40*s.* freeholders were abolished, the landed proprietors thought they could have it all their own way; but the 10*l.* freeholders had shown the same patriotic determination, and the consequence was, that in most cases the popular representative was the successful candidate. The indisposition to grant leases, arising from political; and, in some instances, religious considerations, was another cause of discontent; and the desire to maintain ascendancy of creed was hateful to the people. But these men, whose acts and policy had aroused the indignation of the people, were the first to call for a Coercion Bill to crush by force the very discontent they had occasioned. It must be admitted that England had neglected that duty towards the Irish people which they were not only bound, but which they had undertaken to perform. It was confessed there had been a long period of misgovernment: was it wonderful, under such circumstances, that there should be disturbances. He could mention another cause too. Lord Devon's Commission had been appointed, and under circumstances, too, which led the people to form very exaggerated notions of its results; but there had been no result whatever, and a feeling was now prevalent that it had been appointed for the purpose of throwing dust in the people's eyes. His opinion was, that it was in the reign of Elizabeth the misfortunes of Ireland originated—a most glorious reign for England, but a most disastrous one to the sister country. Whenever Ireland had been kindly governed, she had shown herself capable of appreciating it. Was not this instanced in the viceroyalty of the Marquess of Normanby? and did not the departure of that nobleman from her shores exhibit, in the liveliest manner, the gratitude of the people for a just and impartial Government? Were not the Irish people more tranquil and contented during that period than they had been for centuries before; and did they not continue so under the Whigs, and until 1842, when the going Judges of assize expressed themselves highly gratified at the tranquillity of the people and the absence of crime? The hon. Gentleman referred to the charges of Baron Lefroy, in Roscommon, Mayo, and Galway; of Mr. Justice Crampton, in Armagh and Down; of Mr. Justice Burton, in Kildare and Meath; of Mr. Justice Torrens, in Drogheda and Sligo; of Mr. Justice Doherty, in Wexford and Kilkenny; of Mr. Justice Perrin, in Antrim; and of Baron Richards, in Clare, all of which were congratulatory at the improved manners and conduct of the people. The fact was, the people reposed a degree of confidence then in the administration of the law and in the magistracy; but since then those magistrates in whom they confided had been removed; their great leaders had been tried by a packed jury and imprisoned; the Government had suppressed their meetings, and virtually annulled the right of petition, and they were now about to coerce them. It had been truly stated by the *Times* newspaper, that the monster evil

in Ireland was the want of confidence in the administration of justice — that indeed was at the root of all, and that evil the present Government had done a great deal to increase. His motive in opposing the Bill was not to protect or palliate that system of violence which he deprecated: it was because he thought the Bill would fail in its professed object, and still further exasperate the people. He had been among the magistrates who were dismissed by the Government on account of their politics, and must say, that that dismissal had not grieved him. It relieved him from a post of trouble and responsibility which he had never sought, and which he only accepted of at the request of his neighbours; neither had he sought the representation of the place he now represented, nor expended a farthing on his election; but having accepted the trust, he would discharge it to the best of his ability. He had the most sanguine hopes that beneficial changes would take place before long in Ireland; it would depend upon the wisdom and the prudence of the statesmen of this country, whether they should take place without bloodshed. He did not agitate for a separation of the two countries, though he believed it would be for the advantage of both countries that some arrangement should take place by which the two countries might be governed by separate Legislatures. He had great hopes that the noble Lord the Member for Lynn and his friends would, on a calm consideration of the subject, agree with his views; and if the noble Lord should hereafter become Prime Minister of the country, as he might very probably be, would it not be a source of gratification to the noble Lord, as well as secure for him the good wishes of Irishmen, that he would say he had supported the Irish Members on such a subject, rather than by persevering in his present course?

Debate adjourned.

House adjourned at a quarter past One o'clock.

HOUSE OF LORDS,

Monday, April 6, 1846.

Minutes.] Public Bills.—3ª. and passed. Indemnity.

Petitions Presented. From Free Presbytery of Biggar and Peebles, for the Adoption of Measures to prevent Labouring on the Sabbath in the Construction of Railways.—By the Earl of Clare, from the Limerick Bridge Commissioners, for the Adoption of Measures suggested by the Petitioners for the Improvement and Protection of the Port and Harbour of Limerick.—By Lord Denman, from Joshua Toulmin Smith, complaining of the Conduct of an Officer of Excise who had entered his House under Pretence of Searching for an Illicit Still, and for Inquiry.

THE RECENT VICTORIES IN INDIA.

The Marquess of LANSDOWNE: I requested a noble Friend of mine last week to give notice to your Lordships that I should this evening ask a question of Her Majesty's Government with respect to any further communications which might be expected on the subject of the glorious events which have recently taken place in India; and before I put that question, I trust it may be permitted to me to express the regret I personally feel in not having been present on a former occasion, when those events were under your Lordships' consideration; and when I had no reason to think that the latter of those events would have been alluded to. I have, however, to thank the noble Duke opposite (the Duke of Wellington), and also the noble Earl at the head of the Board of Control (the Earl of Ripon), for their great courtesy in having communicated to me the circumstance that both achievements would be referred to on Thursday last; but I received those communications at such a distance from London, that it was impossible for me to attend in my place on that day. Though I regret that the Motion of Thursday was brought on without longer notice, yet it is a regret which I do not feel personally, for I am satisfied that it would have been impossible for me or for anybody to add anything to the valuable testimony borne on that occasion to those great and glorious services by the noble Duke opposite (the Duke of Wellington), who is himself so well acquainted with the scene of those glories—a locality in which he himself won his early laurels, and established his own great name, and who so well knows the arena of those conflicts, which I am sanguine enough to hope the noble Duke has lived to see brought now to a final consummation by the glories which have attended the career of Sir Henry Hardinge and Sir Hugh Gough. The testimony of the noble Duke was confirmed by the knowledge and experience of my noble Friend behind me (the Earl of Auckland), who was so well qualified from his own course while Governor General of India to perceive the difficulties of that service, and who, in a most clear and satisfactory manner, confirmed the statements then made, and joined in the expression of the gratitude due to those great men in

India who have obtained these victories. Having ventured to say thus much in excuse of myself, I beg to add that the question I am anxious to put is, whether any further communication, or, indeed, any communication at all, is intended by the Government to be made to the House on the subject of the late achievements; because I do not understand, in point of fact, that any communication whatever of Papers has been made. I have received none, and, on inquiry in this House, I do not find that any such Papers have been brought forward; so that, in fact, the only information we have is derived from the public newspapers. Concluding, however, that it is the intention of Her Majesty's Government to communicate all Papers relating to the recent military transactions, I am most desirous of knowing whether they mean to communicate the proclamation of the Governor General issued after the battle, and also the preliminary of that Treaty of peace which it has been publicly stated, was concluded on the 17th of February last, after the battle on the banks of the Sutlej: both of which are documents which I conceive ought to be in the possession of the House. I do not ask this question with any idea that these Papers can be made the foundation of anything like objections in any quarter whatever, either in or out of the House. On the contrary, if I feel an anxiety to see these Papers produced, it is because in them, especially in one of them—I allude to the proclamation of the Governor General issued on his entering the Sikh territory after the battle—I find a most satisfactory proof of that spirit of moderation in the moment of victory—that abstinence even from what may be termed the legitimate fruits of conquest, which do honour to the character of this country, and which may, at no distant period, obtain the formal sanction and approbation both of Parliament and of the country at large. Though I am confident that occasions may arise, and, indeed, have arisen, in Europe as well as in Asia, in which the invasion of a neighbouring country may be justified as a strictly defensive principle; yet there is no part of these transactions which I have viewed with greater satisfaction than the circumstance of this great conquest not having been preceded by invasion, and that, if possible to be avoided, it is not to be followed by annexation. Convinced that the safety of our Government in India depends upon the satisfaction and protection we are enabled to give to the natives of that country, and upon the prosperity we are enabled to impart to their commerce and social existence, I am persuaded that next to these stands the importance of letting it be felt by all the nations of India, that we are not desirous of conquest for any purpose but that of security, and that with all nations of that country, let their Government be what it may, perfect or imperfect, Mahomedan or Hindoo, placed in one race, or vested in another, our only desire is to recognize them as allies with whom we can meet on equal terms, if they on equal terms were prepared to maintain the relations of peace and concord. It was, therefore, with peculiar satisfaction that I saw these principles distinctly laid down in the proclamation to which I have alluded; and I have no doubt that proclamation accords with the views of Her Majesty's Government. It is a proclamation upon which we can proudly challenge the world to examine the grounds of our proceedings, and which shows that it was not in a spirit of conquest that we engaged in the mighty conflict which, by great skill and bravery, has been brought to so glorious a termination. Therefore it is that I shall be glad to know if these documents can be produced. I say nothing with regard to any other communication from Her Majesty's Government to the House; for though it has been asked, in another place, whether any communication would be made from the Throne relating to any honours and rewards which it might be the pleasure of Her Majesty to confer on the most meritorious servants of the Crown who ever had a claim for such honours and rewards, and though I had hoped that some such communication would have been made, yet this is a matter which, in the first instance, I should wish to leave to the discretion of Her Majesty's advisers, confident that a very short period will elapse before we shall learn the gracious intentions of the Sovereign on that point. In conclusion, I will only add that I suppose there will be no objection to produce the documents to which I have referred, and upon which the general vote of thanks was based.

The EARL of RIPON regretted that his noble Friend was absent when he had moved the vote of thanks to Sir Henry Hardinge and Sir Hugh Gough, and the other officers who were concerned in what he had so justly termed the glorious achievements on the banks of the Sutlej. When notice of the Motion was given, it

was not their intention to propose a vote of thanks for the last victory in India: they then intended to propose a vote of thanks only for the victory obtained by the troops under the command of Sir Henry Smith; but his noble Friend would bear in mind that when a question was put to him on the subject on Tuesday by the noble Lord, they were not in possession of official accounts of the last victory. It was true they knew the events had occurred, for they had received the accounts of them in an indirect way; but as they had not officially received them, they could not call on Parliament to notice them in any way. But when they did receive the official accounts, it was thought most desirable that the earliest opportunity of recording the sense of the Legislature should be taken. As the House of Commons sat on Wednesday, notice was given there for that purpose; but as their Lordships did not sit, he (Lord Ripon) took the liberty to depart from the usual course, and make the Motion without giving the usual notice. As soon as it was resolved that the vote of thanks should be moved, he wrote to his noble Friend, He heard he was out of town, and sent a copy of the letter to another noble Lord at the same side of the House; but he also was unable to avail himself of his invitation. But his noble Friend had nothing to regret, for his noble Friend behind him who had formerly been Governor General of India (the Earl of Auckland), had discharged the duty of supporting the Motion of thanks in a manner so admirable, and so deserving of all praise, that neither the House nor the illustrious individuals to whom he paid but just compliments could think that the duty could have been better performed in whatever hands it might have been placed. As to the production of Papers, in point of fact the substance of all that had been received up to that time was contained in that which had been published in the *Gazette*. The arrangements with the Durbar and Ghoolab Singh had not been reduced to the form of a Treaty, and were not in a condition to be laid on the Table of the House; but when they were there could be no objection, and in fact it would be their duty to lay all information as to the political part of the matter in the Papers before the House. Until they were in possession of the documents in regular and authentic form, the Government could not lay them on the Table of their Lordships' House; but as soon as they should be in possession of them in the manner described, there of course could not be the slightest objection to their production. With respect to the noble Marquess's inquiries as to any communication that might be expected from Her Majesty, with respect to honours and rewards intended to be conferred upon those whom he so justly designated as "great men who have achieved great victories," he (the Earl of Ripon) could only say that he was not authorized just at the present moment to make any official statement on the subject; but he might be permitted to observe, that no sooner had Her Majesty been made aware of the glorious events which had occurred in India, and of the great services which those two illustrious personages, Sir Henry Hardinge and Sir Hugh Gough, had rendered, than she signified her Royal pleasure that patents of nobility should be prepared for them both. [*Cheers.*] He need hardly add, that this intimation of Her Majesty's command was received most cheerfully, and with the greatest possible gratification, by those who had the honour to be Her Majesty's advisers, for they felt that it was not the heroes alone that would be ennobled, but that the country itself would be honoured by granting such marks of distinction to those who had so richly deserved them.

THE LATE POLISH INSURRECTION.

Lord BEAUMONT said, that having intimated to his noble Friend the Secretary of State for Foreign Affairs his intention of asking a question that evening respecting recent events alleged to have taken place in one of the provinces of the Austrian Empire, and his noble Friend having stated that he would offer no objection to his so doing, (he Lord Beaumont) now rose for the purpose of carrying his intention into effect. In putting this question he would not apologize for bringing the question to which it related under the consideration of their Lordships, nor pause to reflect whether there was any condition, or treaty, or international established usage, which invested him with the privilege of pursuing the course which he was about to adopt. He based his right to do so upon a higher ground—upon the ground that all the States of Europe had entered into a compact to advance civilization as far as in them lay, and to arrest the continuance of any barbarous customs or laws which might heretofore have existed amongst them. In a locality which was situated almost in the

very heart of Europe, most monstrous deeds had been lately perpetrated; and it became the duty of every Government in Europe which professed to feel an interest in the promotion of civilization and enlightenment, to publicly denounce and condemn such proceedings, in order that the States in which they had occurred might perceive the propriety of taking measures to prevent their recurrence, or to repeal the laws under whose sanction they had been enacted. In referring to the circumstances which he was about to bring under their notice, he would take occasion to mention that, as their Lordships were no doubt well aware, a rebellion had recently taken place in the Austrian, Prussian, and Russian territories: that revolt had been subdued, and the leaders of the rebels had been formally tried and formally punished. He merely alluded to this topic for the purpose of separating it from the subject more immediately before their Lordships. It was a fact of which there could be no question, that a revolt had taken place, and the leaders had been arrested and punished in a most exemplary manner. But however severe and dreadful the treatment might appear to him to be to which they had been exposed, this was a question the consideration of which he would not broach in that place. It was a matter of international regulation, to be decided upon by the Austrian Government itself; and however deeply he might deplore certain events which had occurred, the interference of the British Government was not called for; and upon this branch of the case he would consequently offer no further observation. But the subject to which he was really anxious to direct their Lordships' attention was the practice which appeared to exist in Galicia, a province of Austria, of establishing a kind of servile war—the practice of the authorities in that country either encouraging or actually designing and setting on foot a rise of the peasants against their lords and masters, the consequence of which rise had been the wholesale slaughter of those lords and masters in the province to which he had alluded. There was but too good reason for believing that the serfs of nobles and landed proprietors in Galicia had, at the instigation of persons of high authority, and in the expectation of receiving certain stated rewards for all the ruin they could accomplish, and for every head they could produce, deliberately risen and murdered by wholesale their lords and masters, whose properties they devastated, and whose castles they laid waste. His authority for these statements was, he admitted, only founded on private letters, and on the public statements of some twenty or thirty newspapers in France and Germany; but he feared there was no room for doubting that the description of the dreadful deeds which had been committed had not been in any material respect exaggerated. In order to show the character and extent of the frightful events which had occurred in this province of Austria, with the sanction, nay, as he verily believed, at the very instigation of the authorities, he would take the liberty of reading an extract from the *Journal des Debats*, a paper which he believed incapable of misrepresentation. [The noble Lord read a quotation from the newspaper in question. It was to the effect, that in three circles of Galicia the peasantry had risen with so deadly a purpose, that scarcely one landed proprietor had been left alive. They had all been murdered in cold blood, and their castles destroyed.] The noble Lord continued to observe that similar scenes were reported every day; and, although there might be some colouring and a little exaggeration, it was incredible to suppose that the statements were altogether untrue. In no instance that he could hear of had the perpetrators of these atrocities been punished, nor did it appear that the Government had in the least disapproved of their proceedings; on the contrary, the Emperor, in his proclamation, encouraged and applauded rather than deprecated or condemned them. But it was the duty of other Governments not to permit such things to pass unnoticed. Remonstrance might, perhaps, be productive of a happy effect. He appealed to the noble Earl himself, the Secretary for Foreign Affairs, to say whether on a former occasion his expression of disapproval of barbarous laws and inhuman usages in other countries had not been productive of a most beneficial effect? Was it not mainly in consequence of such an expression of disapproval that the law in Turkey, which condemned a double renegade to death, had been repealed. He wished now to know whether the noble Earl had received any authentic information with regard to the events which had recently taken place in Galicia, a province of Austria; and whether, in the event of his having so received it, he had taken any means to let the Austrian Government understand with what feelings of pain and

disapprobation such intelligence had been received by the British Government?

The Earl of ABERDEEN said, he would be at all times most happy to give all the information in his power to the noble Lord on any question in respect to which he might desire it; but, really, the information in reference to the question before their Lordships at present was so dissimilar, the multitude of assertions and contradictions of the press, and of statements and counter-statements, was so great, that it was very difficult to unravel the truth from the falsehood with any degree of certainty, or to discover how the real state of the facts stood. The matter was one in which this country was not directly concerned. Neither British interests nor British subjects were affected by these events, be they true or false. He understood the statement of the noble Lord to be substantially this, that the Austrian authorities had incited the peasantry of Galicia against the proprietors or lords of the soil, offering rewards for their capture, and still higher prizes for the heads of such of them as might be slain. He (the Earl of Aberdoen) had the happiness, for many years, to live on terms of close intimacy and friendship with the eminent person by whom the administration of the Austrian Government was carried on; and he could only say, that any policy of this kind—any policy involving an instigation to crime and deeds of atrocity—it was quite as impossible for that distinguished personage to adopt as for any of their Lordships. It was undeniably true that the Austrian Government had been great benefactors to the Galician peasantry, and that the peasantry had always looked to it with confidence for protection against their lords. It was now seventy or eighty years since that province had come under the sway of Austria, and during that period the condition of the peasantry had been vastly improved. Their present condition under Austria was immeasurably superior to what it was in the reigns of Maria Teresa and Joseph II.; and this being the fact, it was not at all unnatural that they should entertain feelings of loyalty and affection towards a Government from whom they had invariably experienced liberal, humane, and considerate treatment. He confessed, that with respect to the exact matter referred to by the noble Lord, he possessed little information, if any at all, beyond what their Lordships might be fairly supposed to be in the enjoyment of. The subject was one in respect to which he had not felt it incumbent on him to institute any inquiries, as he did not consider it to be the duty of this country to interfere in the administration of a province belonging to such a State as Austria; but Her Majesty's Charge d'Affaires at Vienna had from time to time written to him (the Earl of Aberdeen) accounts giving the details of what had taken place; and it must be admitted that his statements and descriptions were very different indeed from those which had been made by the noble Lord opposite. He would read for their Lordships two or three extracts from the statements of Mr. Magenis, in describing those occurrences, and this was all the information he was able to afford on the subject. The noble Earl read several extracts from communications received from the Charge d'Affaires at Vienna, and bearing date the 28th February and 3rd of March. They were in substance statements to the effect, that the peasantry of Galicia had displayed a spirit of the most determined hostility to the revolutionary movement, and peremptorily resisted the proposals of the lords and proprietors of the soil that they should join in it. They had in numerous instances made prisoners of many of those who wished to urge them on, and had denounced their projects to the neighbouring authorities. They attacked, resisted, and took into captivity many of the leaders. The writer stated, that great inconvenience had resulted from the enormous number of those who were taken prisoners; and the embarrassment would have been much greater were it not that those who were arrested thought it much better to remain quietly in prison than to fall into the hands of the peasantry, by whom they would most assuredly have been slain. The writer also observed that the accounts from Lemberg, the capital of Galicia, were most satisfactory. The people there continued to show the best disposition in support of the Imperial Government, and displayed unbounded zeal in arresting the instigators to revolt. In many places where the nobles and proprietors had been arrested, the peasantry formed themselves into volunteer guards, and thus assisted the Executive. These were the accounts which he (the Earl of Aberdeen) had received, and he confessed he saw nothing in all this to merit the stigma which was sought to be attached to it. The peasantry had proved faithful to the Government in resisting the revolt. In so doing, they had no doubt taken a part

which had led to the destruction of life; but, putting out of the question those stories (concerning which he had not one particle of information) respecting advertising rewards for living captives or the heads of the slain, he did not see anything so bad in the efforts of the peasantry to support a Government under which they had received signal advantages and benefits. As he had stated before, he was not prepared to say to what extent prevailing reports were true or false. He had no further information than what he had submitted.

LORD KINNAIRD was glad that public attention had been directed to this matter. He believed it could not be denied that a proclamation had been issued for capturing the nobles, and bringing them in, dead or alive. The Governor had, no doubt, been authorized to issue this proclamation by the statute-law of Austria, which declared that deserters were to be taken, dead or alive, and that all rebels should be treated as deserters. It must have been upon this that the proclamation was founded; but he was sure it must have been done without the special cognizance or express sanction of the Austrian Government, who, he was sure, would never countenance anything so barbarous as a proclamation of the kind described by the noble Lord (Lord Beaumont). There could be no doubt but the peasantry of Galicia had been very well treated by the Austrian Government.

LORD BEAUMONT observed that the passages read by the noble Earl the Secretary for Foreign Affairs appeared rather to confirm than invalidate his (Lord Beaumont's) statements. Besides, if the proclamation had been issued in conformity with the statute law of Austria, so much the worse for Austria. He hoped the noble Earl would use his influence to procure the repeal of so nefarious a statute.

Subject at an end.

CASE OF MR. JOSHUA TOULMIN SMITH.

LORD DENMAN presented a petition from a member of his own profession, Mr. Joshua Toulmin Smith, complaining that. on the 18th of December last, when he was home and at dinner, his family was intruded upon by an excise officer and his assistants, who were armed with a warrant, and stated that they came in search of an illicit still. They had no better information on which to ground their proceedings than the allegation of an anonymous letter; and the petitioner stated that the officers treated the females of his family very roughly, and that his wife had never recovered from the shock she received. The petitioner had intended to bring an action against the parties; in that case, he (Lord Denman) should not have thought it his duty to present the petition; but he understood the law officers of the Crown had been consulted, and it was their opinion a person under such circumstances had no remedy by an action at law. There was certainly high authority, that of Lord Mansfield, for this opinion; he stated that the proceedings of an officer under such circumstances did not entitle the party aggrieved to the remedy of an action at law. This being the case, the petitioner wished their Lordships to consider whether or not the law should be continued which gave a power so easily liable to abuse, and which might lead to consequences of a very serious nature. All that had been done had been greatly at variance with the common law; and he (Lord Denman) thought it was of the greatest importance such cases should be brought before their Lordships and made public; and he expected the noble Lord who was connected with that department would rise and express the thorough reprobation of any individual who, on anonymous information, could subject parties to such treatment.

The petition having been read by the Clerk of the House at the Table,

THE EARL OF DALHOUSIE said, he should not have wished to address a single word to their Lordships beyond what applied to the facts of the case; but the petition in point of fact made a direct, and he ventured to think an unjust attack on an entire public department, which, if any one could be called well managed, deserved that commendation—the Excise Department. When the noble and learned Lord opposite called his attention to the case, he had taken the necessary steps to inform himself on the subject; and he found the petitioner had already presented a petition to the other House of Parliament on the same circumstances, which could hardly be called a petition of a similar character, as the petition that had just been read was infinitely more moderate and modified in its statements compared with the other one. With respect to the facts alleged as the foundation of the petition: that the gentleman's house was entered by officers of the Excise armed with a search warrant, was undoubtedly true. To that point he was ready to answer the appeal made by the noble and learned Lord, and to say that

the conduct of the officer in obtaining the warrant and making the entry was blameable; it was so in the eyes of his superiors, for they had blamed him for it, and punished him. But the allegations of the petition went a great length beyond complaining of that individual; they inculpated his superior officers who issued the instructions. And, first, with respect to the manner in which the officer did his duty: it was stated in the petition that the entry of the House was made forcibly—that a demand to see the warrant was refused—that great dismay and consternation prevailed among the inmates—and that their health had been placed in jeopardy. He could give a positive contradiction to all those statements. The letter was received by the Commissioners of Excise; but no instructions whatever to act were sent upon that letter. On the contrary, it was remitted to the officer of the district, with directions to inquire carefully and report. The officer, believing he had good ground for suspicion, went to the nearest magistrate to make the required deposition; but that magistrate being from home, he proceeded to the next, and having obtained a warrant, proceeded to the premises; but he effected no forcible entrance. When the door was opened, he inquired for the master of the house, who happened then not to be at his chambers, but at home. The warrant was not demanded; indeed it was not necessary, for it was at once shown; and the officer proceeded in company with this gentleman to look over the house, and was satisfied that his suspicions were unfounded. Although there was great plausibility in the statement that inquiry in the neighbourhood concerning the petitioner, and the appearance of his house itself, ought to have protected him from suspicion, yet these circumstances were insufficient in themselves; for it happened that in the very same district there had been a house, far better in appearance than the one in question, and bearing more the aspect of a gentleman's house, in the drawing-room of which a small still had been found in full operation by the very same officer. The officer, therefore, did not think it wise to trust to appearances; but at the same time he did not search every apartment. Where he went he was accompanied by the master of the house, and when he perceived there was no cause for suspicion, he declined to enter a room where the family were at dinner, and the females of the family never saw him. He then expressed his regret at having caused any inconvenience, and left the house. Now he (the Earl of Dalhousie) was ready to produce the three officers at the bar of the House, to depose, on their oaths, to the falsehood of the allegations that had been made. So much for the facts on the Thursday. On the Friday Mr. Smith addressed a letter to the Commissioners of Excise. Before reading this letter, however, he must remind their Lordships that this matter had been mentioned in another place, and the correspondence had been printed. The petitioner stated that no redress or apology had been afforded to him, nor any wish evinced to afford them, and that the reasons for not giving them were futile, inasmuch as the Commissioners must have been in possession of the report at the time. That was not the fact. The Commissioners only knew that they had sent instructions to their officer to inquire carefully and report. The noble Earl here read an extract from the letter of the petitioner to the Commissioners, which, after detailing the circumstances, was to the effect that he desired no vindictive proceedings, but only such reparation as his position in society demanded for such an indignity and outrage; he desired to say, that if he received from them, before three o'clock on the same day, a specific written assurance that their officer should be reprimanded for the proceedings, and be instructed by the Commissioners to forward to the petitioner's chambers a full written apology before three o'clock on the Saturday, no proceedings would be taken by the petitioners; but that otherwise he should place the case in the hands of his attorney, and that public attention would be in other ways called to it. The letter concluded thus: "My clerk awaits your reply." The noble Earl, after reading this extract, observed, that although it was highly necessary that grievances of this kind, complained of by Her Majesty's subjects, should be brought under the consideration of the authorities; it was equally necessary that the conduct of an officer, charged with a responsible and often an odious duty, should not be lightly or unjustly impugned. To the demand of the petitioner the Commissioners make the following reply on the same day:—

"Excise Office, 19th December, 1845.

"Sir—The Commissioners of Excise having had before them your letter of this morning, complaining of the conduct of an officer of the revenue, in having searched your private residence accompanied by two police officers:

"I am directed to acquaint you that previous

to pronouncing any judgment on the conduct of the officer in question, the board have felt it necessary to call on him for an explanation, the result of which will be communicated to you without delay.

"I am to add, that the board are unable to offer any opinion on this case until they have heard both sides of the question; but they are desirous at the same time of assuring you, that they do not sanction any proceedings of an unjust or oppressive character.—I have, &c.

(Signed) "J. Clayton Freeling."

Surely nothing more than this could be required by any one. Was the officer to be punished without a hearing? Why, no gentleman would flog a hound unless there was reason to believe he had really committed a fault; yet this Mr. Smith remonstrated most violently, and abused the Commissioners most foully, because they would not act towards their officer as no gentleman would act towards his dog. This is his reply:—

"19th December, 1845.

"I have to state, that your reply to my letter of this morning, placed in my hands by Sir F. Doyle, cannot be received by me. This is not a case in which 'to pronounce judgment' or 'offer an opinion;' it is an outrage of the grossest nature, perpetrated by your officer, in your name, upon a private gentleman, and for which, as gentleman, you are bound to make, instantly, all the reparation in your power. Your own case avowedly stands only on a loose anonymous letter.

"I require an immediate and most distinct apology from you; and further, and besides the apology from your officer, I shall require the payment to me of the sum of 10*l.* before two o'clock to-morrow, to cover the expenses and costs to which I have been and shall be put in consulting counsel and other contingent expenses.

"The bearer waits reply."

In this letter Mr. Smith spoke of the expenses to which he had been put. Now, the letter was dated the 19th of December. On the 18th the circumstances occurred; and he (the Earl of Dalhousie) should like to know what possible expenses the petitioner could have incurred in the interval. Why, he had not even had to pay 6*d.* to a messenger with his first letter to the Excise, for it appeared by it that his clerk waited for a reply. Mr. Smith had received an answer that the matter was to be inquired into, and the result to be communicated to him; and what right had he to assume that he was to be under the necessity of consulting counsel; considering, moreover, as he (the Earl of Dalhousie) believed to be the case, that lawyers dealt charitably with one another in these matters, and, like doctors, in regard to ailments of the body, mutually charged no fees? Here was the reply of the Excise:—

"19th December, 1845.

"Sir—Having already acquainted you, by desire of the board, in answer to your letter of this morning, that an immediate inquiry would be made into the conduct of the officer complained of, and that the result would be communicated to you, and having also stated that the Commissioners would not sanction any unjust or oppressive proceedings, I am directed to observe that your present demand of an apology and 10*l.*, knowing that four hours only have elapsed since your complaint was received, and that the officer complained of, as you state, resides at Barnet, is totally inadmissible.—I have, &c.

(Signed) "J. Clayton Freeling."

To which letter on the same day, the gentleman made the following rejoinder:—

"1, Hare Court, Temple, 19th. Dec., 1845.

"Gentleman—Your letters to me, under the hand of Mr. Freeling, are no answer to my complaint.

"I charge you, the Commissioners of Excise, with an act of gross oppression and arbitrary tyranny. My complaint is not only of the manner in which your officer executed the instructions he received from you, but also of the illegal and wholly unjustifiable nature of those instructions.

"Those instructions are avowed to have been founded solely on an anonymous letter.

"Since my first letter to you I have ascertained that this document is in your possession; your solicitor, Sir Francis Doyle, himself showed it to me. It was addressed to you, and on it you instructed your officer.

"The wrong committed thereby becomes your act, respecting which no additional information could be supplied by your officer, were he at your board instead of at Barnet.

"Your delay in making the only reparation in your power does but aggravate the wrong committed. No man possessing the feelings of a gentleman could rest under the imputation you have wantonly thrown upon my character.

"It is to be regretted that such feelings cannot be appreciated by you.

"I decline to receive any 'judgment' which may be pronounced by you; I have required an apology: it has not been awarded to me. I have, therefore, instructed my attorney to take such steps as counsel may advise to vindicate my own character, and punish and bring under public indignation so gross an outrage and so wanton an infringement of the liberty of the subject. —I am, &c.

(Signed) "J. Toulmin Smith."

But there was a postscript to this last letter which he would read, and to which he requested their Lordships' attention:—

"P. S.—Before receiving your last letter, I had written a note to withdraw so much of my last as requires payment of any money, considering that it would have been better to have left that point to your own sense of propriety. Though your last letter clearly shows such reliance would be vain, I shall still choose to withdraw the claim above mentioned, in order that there may be no possibility of public or private misunderstanding of my motives. "J. T. S."

Now, it was just possible that it might have occurred to this gentleman, being a

special pleader, that plain-spoken people on reading that letter might say it was a gross attempt at extortion: and also that if he were to continue his action, the jury, seeing that he had assessed his own damages before coming into court, might take him at his word, and give a verdict for 10*l*., to the exclusion of all hope of getting a higher amount. Now, all this happened on the Friday; and although this gentleman had received the answer of the Commissioners, stating that the matter should be inquired into and the result communicated to him, he thought proper to print and publish a paper, setting forth the correspondence, but with an omission; and what did their Lordships suppose the omission was? It was all allusion to the ten-pound note. This printing took place between the Friday and the Monday. On the Friday, Mr. Smith wrote to the Commissioners, and on the Monday, the answer he (the Earl of Dalhousie) was about to read was received from them, leaving only the Saturday to communicate with the officer, who resided at at distance. The following was the answer of the Commissioners:—

"Dec. 22, 1846.

"Sir—Referring to my two letters of the 19th instant, I am directed to inform you that the board have now ascertained that their express written instructions, which were 'to make the necessary inquires,' and report very fully upon the anonymous communication in question, were disobeyed; and that their decided censure has been communicated thereupon.

"They desire at the same time to express their regret, that, owing to the indiscreet zeal of those to whom the inquiry was directed, you should have been subject to the great annoyance of which you complain.

"I am directed to add that the board and their assistant solicitor have this day received a printed paper headed 'search warrants,' and purporting to contain the correspondence, so far as it is material, between yourself and this department.

"If the paper in question is circulated by your authority, the board cannot close this correspondence without remarking that they considered the suppressed portions to be material, and obviously calculated to convey a false impression.—I am, &c.

(Signed) "J. Clayton Freeling."

Why, this was more than the apology of the officer; it was the apology of the department under whose orders that officer acted. Here he should state to the House that that officer was a most respectable man, who had served in the Excise department between thirty and forty years, with a character standing as high as that of any man possibly could; and he would leave their Lordshps to conceive what a punishment to such a man the decided censure of his superiors must have been. It was right, too, that he should state what the term "decided censure" really meant, and the extent of it. It meant suspension for three years from all chance of promotion or favour shown to him. And yet this gentleman came forward and declared to Parliament, that no apology or redress had been afforded to him. Upon the 23rd Mr. Smith wrote another letter to the Commissioners as follows:—

"1, Hare-court, Temple, Dec. 23, 1845.

"Gentlemen—I have to acknowledge the receipt this day of your communication of 22nd instant.

"While I have much satisfaction in perceiving that the impropriety of the proceedings is at length acknowledged, I cannot but remark that this is but a tardy mode of reparation, your first letter, and second, not even expressing any regret at those proceedings, though their nature and grounds (the anonymous letter), together with my position, were then before you, and the fact of the non-inquiries was made evident to you by my letter; beside which you must have been then, as much as now, aware that no 'report' had been received by you. Had the terms of your instructions been at first conveyed to me, instead of the letter of the 19th, together with an expression of regret, the dignity of your board could not have been compromised, while I should have felt and expressed very different sentiments to those expressed in my third letter of 19th instant.

"None of your board can, however, be surprised at the feelings of indignation felt and expressed at such an outrage, and at the delay in any reparation.

"As to the printed communication, I am not aware of any 'material' suppression. All I desired was to exhibit the facts. The only part of the last letter not printed was a clause expressly withdrawn; but I have to state in all copies sent out, except four (of which those sent you are two), the word 'extract' was written opposite that letter, it having occurred to me that such a remark might possibly (though hypercritically) occur.

"Desiring now wholly to separate my personal grievance from the fruits of a system, I venture to express the hope, that in the course I shall pursue I shall receive the support of your board; that course will be directed against a system, not against those who on particular occasions have been the instruments in carrying it into effect. No personal redress will be sought or accepted. I remain, &c.,

(Signed) "J. Toulmin Smith."

On the 12th of January that gentleman wrote the following letter to the Commissioners:—

"1, Hare Court, Temple, January 12, 1846.

"Gentleman—It is proper that I should inform you that I have, within two days, ascertained that you were informed by a letter, posted on the 18th ult., of the very different state of facts found from those represented in the anonymous letter on which you issued your instructions of the 17th to Mr. Peter Mann, of Barnet. This letter must have reached you before mine of the 12th, and before your first reply thereto. I forbear all

further comment on these facts than this: it was before I learned these facts clear that you were aware, at the time of writing that reply, of all material facts, and of the atrocity of the outrage committed in your name. It now appears that such knowledge was not only then yours by necessary inference, but in positive shape. By evading all apology until alarmed at the steps I had taken, you have, were other facts wanting, made this case your own act. Your officer acted on the construction he must have felt was intended by and would be pleasing to you, and which would have been praised as unqualified 'zeal,' had not my resistance to an intolerable act of wanton oppression led you, while still calling it 'zeal,' to characterize it as 'indiscreet.'

"Should the officer, under such circumstances, be made the scape-goat (as is too often the case), it will only be an aggravation of the wrong. I will hope this is not contemplated or implied in your 'censure.' Should it prove so, I shall feel it an act of justice to one who I understand to have been a faithful servant for thirty-two years, to bring such a proceeding prominently under notice in the measures contemplated by me in reference to this case.

"Sincerely desiring to separate all personal feeling from a public wrong, I trust this part of my task will be unnecessary.—I am, &c.

(Signed) "J. Toulmin Smith."

Now, in that letter Mr. Smith transferred all his enmity from the officer to the board. He had desired to separate all personal feeling from public wrong, and had concluded a former letter by saying that no personal redress would be sought or accepted. This was on the 12th. Would their Lordships believe that immediately afterwards this gentleman commenced an attack upon the excise officer himself, demanding that he should not only sign an apology, but should pay to him the sum of 25*l.*, upon condition of the action being withdrawn? Now the officer having been thirty-two years in the service of the Excise had a salary of 200*l.* a-year, out of which he had to pay his travelling expenses, so that what remained was at the outside 150*l.* a year. Yet this man demanded from him one-sixth of his income, and that he should sign an abject apology. This was to be done as a condition of stopping an action, or rather of not subjecting the officer to an action. On the 29th of January Mr. Smith again wrote to the Commissioners, in which he enclosed the following letter he had written to their officer:—

"January 27, 1846.

"Sir—With this you will receive a notice of action for your conduct in entering my house on the 18th December last.

"You are well aware that it is no hasty or vindictive feeling that forces me to take this step. Some parties, apparently highly respectable, waited on me some weeks ago, and strongly represented the disastrous effects that would follow to you from legal proceedings. This was followed by Mr. George also waiting on me, who stated himself to be a solicitor at Barnet, but that he called on me as your friend. He fully admitted the grossness of the outrage, and the utter inxcusablenesss of your conduct, and that in case of action you had no defence, but most strongly begged of me, on similar grounds as above, not to take proceedings stating you would make any apology, and pay any damage required; at a subsequent interview you and he repeated the same. Unwilling to be the means of producing your 'utter ruin' (your own and Mr. George's words), I assented not to take proceedings if a satisfactory apology were handed me by a given day (long passed), together with a sum (to cover my expenses) most trifling in comparison with the outrage, and with what a jury would award: you left me with expressions of gratitude.

"I then imagined that you truly regretted your conduct, and desired to make amends. You have, however, since raised every quibble on the apology, and made every delay in raising the small sum required, and manifested anything but the feelings and desire for which I gave you credit.

"The law must now take its course. The gentlemen who waited on me on your behalf will bear testimony to my unwillingness to press hard on one whose distress and fears of utter ruin were represented by them, I have no doubt, in all sincerity.

"The course I am now compelled to take is necessary, as well for the vindication of my own character, as for the punishment of an outrage so intolerable and gross as that of which you were guilty, and which your recent conduct has greatly aggravated.—I am, &c.

(Signed) "J. Toulmin Smith."

Now, with regard to the 25*l.*, the sum was tendered but not paid; and as to the apology, he would now read the part of it which the officer did sign:—

"In reference to the unfortunate circumstances which occurred on the 18th of December last, when, without consideration or inquiry, I applied for a warrant to search your house in Wood-lane, Highgate, for a private still, on the suggestion of an anonymous letter, I beg most humbly to ask your pardon for the same, and for my conduct in the execution of the said warrant: and you having been advised to take proceedings at law against me, but having, on my representing the disastrous consequences to me which would follow from such proceedings, kindly consented to forbear so doing, I do hereby gratefully acknowledge your kindness and forbearance, fully acknowledging, at the same time, how improperly I acted in taking any measures on information derived merely from so cowardly and odious a source as an anonymous letter, without, at any rate, first making the fullest inquiries."

The concluding passage, which the officer declined to sign, and upon which the whole bargain was vitiated, was as follows:—

"I admit that I made none, and did not even know your name or residence when I applied for the search warrant. My only excuse can be, that the law has entrusted the discretion in granting such warrants wholly to the magistrate, who, from

his position office, and should be better able to judge of the propriety of granting them than the mere executive officers of the Excise, and before whom, on this occasion, the anonymous letter was laid by me as the only ground of the application."

Now, in regard to this part of the document, the officer said he would make any apology as regarded himself, but he would not sign that which inculpated another man. He would not sign that which—the special pleader conceiving he had ground of action against the magistrate—would place that magistrate in his power; and in so acting, he (the Earl of Dalhousie) thought that the excise officer showed himself the honester man of the two. Everybody knew the odium which popularly attached to excise officers — they were considered the publicans and sinners of modern times; but they should be protected by their superiors when right, which they mostly were. So much for the facts of the case; and with respect to the general consideration as to the law which had been touched upon by the noble and learned Lord, the power he had adverted to had been in existence scores of years; and the question was whether, practically speaking, it had operated injuriously to the liberty of the subject. When it was remembered that there were 6,000 excise officers, and the nature of the duties they had to perform was considered, it was really marvellous that they so rarely erred; and the present case, brought forward in the manner it had been, was in itself a practical proof that no real abuse of the liberty of the subject could occur under this power of the Excise with impunity. He was quite ready to assure the noble and learned Lord that the Commissioners of Excise would not proceed upon anonymous information, because they had never done so. The officer inculpated in the proceedings was not directed to proceed, but only inquire carefully and report. He did not obey his instructions; he proceeded, and consequently was suspended and severely punished.

Lord DENMAN remarked that the grievance he complained of was not that which occurred after, but which ended on the 18th of December, when, upon anonymous information, a person's private residence was entered by the officer. Notwithstanding what had been said of the unfortunate circumstances of the 10*l.* and the 25*l.*, he (Lord Denman) did not believe that the petitioner meant to put a farthing in his pocket, but that he would have given the money to some charity. It was to be hoped that the law giving these powers to excise officers would be revised, for, as it stood, private houses might be entered, and families put to the greatest alarm and inconvenience, upon merely anonymous information; and if an officer chose to make his visit at night instead of by day, every lock and door would be at his mercy.

Lord CAMPBELL said, he thought the noble Earl had made a full defence for the Commissioners.

House adjourned.

HOUSE OF COMMONS,

Monday, April 6, 1846.

Minutes.] Public Bills.—1°. Parliamentary Electors and Freemen.

2°. Insolvent Debtors (India); Polling Places (Ireland).

Petitions Presented. By Mr. John Benett, from Merchants and Traders, being Dealers in Tobacco, residing in the Town of Warminster, for Reduction of Duty on Tobacco.—By Mr. John Benett, from a number of places in the County of Wilts, for Repeal or Alteration or the Lunatic Asylums and Pauper Lunatics Act.—By Mr. M'Carthy, from Citizens of Cork, against the Protection of Life (Ireland) Bill.—By Mr. Masterman, from Members of the Stock Exchange, and by Viscount Sandon, from Merchants and Traders residing in Liverpool, for restricting the Number of Railway Bills.

RAILWAY PROJECTS.

Mr. ADDERLEY having moved the Second Reading of the Sheffield, Buxton, Leek, Potteries, and Crewe Railway Bill,

Viscount SANDON said: Sir, I gave notice on Friday last that I would, at an early hour this evening, ask a question of the right hon. Baronet at the head of Her Majesty's Government, relating to the advice which he may be inclined to give to Parliament as to the manner of treating Railway Bills, with the view of postponing the passing of any considerable number this Session. The Motion of my hon. Friend will, however, perhaps, furnish a more convenient opportunity for raising that question. There is no doubt, Sir, that the state of things is this. It cannot be doubted that the present condition of the money market is very different from what it was when these companies first came forward, and there is now a great desire on the part of those who have embarked in these projects to withdraw from them; but, notwithstanding this desire, it is a question whether, by the rules of Parliament, and by the law as it now stands, they are enabled to fulfil their wishes. This, Sir, is a question in which all parties in this country are deeply interested. It is not only of importance to the

shareholders concerned, but every one, however unconnected himself with railways, is either directly or indirectly concerned; for there is no branch of trade or industry which is not affected by it. In the first place, there is injury from the mere blocking up of the deposits; in the next place, there is the apprehension of success, for success is no longer wished for; and in the next place, the whole of the railway projects which have already received the sanction of Parliament are affected, for the directors dare not make calls for their completion whilst the market remains in its present condition. There is, as I have said, no branch of trade which is not affected by the apprehensions caused by this state of things. I do not wish to rest my case upon assertions altogether my own; and I have procured some of the mercantile circulars of the most eminent firms which confirm my own opinions. Messrs. Collman and Stolterfoht, a most respectable firm in Liverpool, speak of the stagnation in every branch of trade attributable to these circumstances :—

"We have still to repeat our former reports of a languid business, and of an uneasy feeling in the mercantile world, as a consequence of the late excessive railroad speculation, and from the dread of the serious effects which must arise if the numerous projects for the further construction of railroads, which are now seeking the sanction of the Legislature, be persevered in. It is easily to be understood, that if the railroads now in the course of construction will require about 20,000,000*l.* per annum for the next three years, and will thus absorb most of the available capital of the country which can be spared from other pursuits, an additional demand of about 40,000,000*l.* per annum, which the new projects would require, must be fraught with the most ruinous consequences; for it is utterly impossible that so rapid a conversion of floating into fixed capital, and a diversion of such immense sums from the industrial pursuits of the country, should not deprive them of their very life-blood. It is yet to be hoped that when the consequences come to be more fully understood, a vast number of these projects will be abandoned for the present, and the loss of all the preliminary expenses, however severe that may be, will be a saving to the community, and even to the projectors themselves The money market is easier, that is to say, money is readily obtained by the higher mercantile classes; but the inferior, the tradesmen and the shopkeepers, are seriously embarrassed from the difficulty they experience in getting their last year's bills paid, as too many private families have become victims to the late speculative mania. This has necessarily an unfavourable effect upon the retail trade, which reacts upon the wholesale commerce."

These statements are confirmed by those of Messrs. Trueman and Cook, who have the highest authority in the mercantile world:—

"The various branches of commerce are severely depressed; there is not only a continual fall in prices, but great difficulty in realizing goods at any sacrifice. The India and China trade is particularly suffering. Tea, indigo, silk, cotton, &c., forming the principal imports from thence, have all been reduced to a scale of prices unusually low. In the manufacturing districts stocks of goods are accumulating, and a general absence of all enterprise in trade is evident. Several causes might be instanced as having tended to bring about this stagnation; but a principal one unquestionably is the enormous amount of railway undertakings, which are gradually absorbing a large portion of the capital of the country hitherto devoted to trading purposes. This evil is already very severe; but if it be increased by the success of many of the numerous projects now before Parliament, the inevitable embarrassment which must ensue can hardly be magnified. Public attention has recently become more awakened to this important subject; and Government has been urgently called upon to interpose by an unflinching determination to defer for a time most of the schemes now before Parliament. It has been urged, however, that the subscribers themselves have the power of withdrawing the undertakings if they find them beyond their means, and this is certainly true; but although many would gladly exercise the power, it would be difficult to procure a general consent to do so, while a Parliamentary interference to relieve what is now admitted to be a serious impending difficulty, would be hailed with universal satisfaction. The little progress made with the important measures now before Parliament excites much anxiety, and aggravates the depression under which trade lingers. Almost any decision would be better than suspense; and when it is considered that the extent of the commerce of the year is materially dependent upon the early commencement of operations, it will be seen how detrimental that state of uncertainty is which interrupts the spring trade."

The suggestion that the projectors should have the power to withdraw from the undertaking, is well worthy of attention. I believe the fact to be undoubted, that a large body of shareholders are anxious to withdraw from the further risk of prosecutting these Bills, but that there is a question among lawyers how far they can do so. If that power, however, do not exist, we ought to take care that it does; for it is surely intolerable, that persons desiring to withdraw should be compelled to see their property employed in prosecuting undertakings against their will and to their ruin; and that while the general interest at the same time coincides with their private interest and wishes, that they should be enabled to withdraw. For my part, I would not permit any Railway Bill to proceed without a further assurance on the part of the subscribers that they were desirous of proceeding. But this proposal, I

am told, is too strong. None, however, I believe, will object to a modification which would permit petitions to be allowed to be withdrawn, to be presented, and give assurance, that if such petitions were of sufficient proportion as to shares, they will be listened to by Parliament. As the law now stands, I apprehend that even in case a majority of the shareholders and directors should decide upon withdrawing a Bill, they have great difficulty in doing so. I believe that if the directors themselves withdraw a Bill, they lose all hold over those who have signed the deed, or taken shares, for the expenses incurred; because, as I am told, the deed is only good against the shareholders if the directors perform their part of the undertaking by pursuing their object before Parliament; and that the shareholders may refuse to perform their part of the engagement, if the directors do not perform theirs. I understand that the opposition of a single shareholder is sufficient to prevent the withdrawal of a Bill. On the other hand, if the Bill is pushed, and Parliament reject it, the directors have the power of recovering from those who hold scrip, or who have taken shares, the expenses they have properly incurred before Parliament. [The Attorney General: Not so.] The legal Gentlemen in this House will be able to explain the law better than I can. At any rate the shareholders and directors have difficulty in carrying out such an object; and as the matter is of the highest importance, not only to those directly interested in railroads, but to all other parties who are connected with the trade and commerce of the country, I hope that Her Majesty's Government have considered this question, and that having conferred with the proper legal authorities, they will be able to state the course which it is desirable for the House to take; and I will therefore leave it in their hands.

Sir R. PEEL: Sir, I think every person in this House witnessed the extent of railway speculation which took place last winter and the preceding autumn with great regret. We then saw railroads proposed not for any legitimate purpose of speculation, and not for the purpose of constructing works of public utility in the vicinity of those who were engaged in the speculation, but in a fit of one of those speculative fevers, from which the country has in many instances suffered so severely. We have before seen investments made in South American Bonds, and various speculations of the kind; and I should have thought that the result of these speculations would have read a useful lesson to those now engaged in speculation; but the extent of the railway mania has shown that such anticipations of instructions from former losses have not been received; and I do not see any reason to suppose that individual sufferings of any extent or kind will prevent the periodical recurrence of this fever of speculation. Still, I know that there is a very great objection to any interference on the part of Parliament for the purpose of averting such evils. The presumption is, that every one is the best judge of his own concerns, and that the prospects of private loss are the best checks upon ordinary commercial speculation. Still the House has, to a considerable extent, a large power over railways to making which they are in some measure parties. Speculation in them is different from ordinary commercial speculation in this respect—the Legislature is called upon to give extensive powers to railway companies, and it enables the parties to take the private property of individuals, and to apply it for public purposes, and for the public good; and it is, therefore, in the power of either House of Parliament to check speculations of this specific character. As far as individual speculators are concerned, I confess that I do not feel any great pity for them; and I should not be disposed to relieve them from the consequences of their own conduct, if their case were to be alone considered. Sir, we shall never get rid of speculation except by means of personal suffering. Not only have speculations in railways diverted money from the ordinary operations of trade, but they have diverted also the attention of many from those sources of industry on which they and their families have been dependent; and I say, with every feeling for the sufferings of these interested parties—who are suffering from acts of their own—I should deprecate any interference if it were merely for the purpose of affording them relief. But, Sir, at an earlier period of the Session, speaking for Her Majesty's Government, I did offer an opinion to the House which gave an implied sanction to an interference for the purpose of checking the number of railways. At the same time I spoke with great hesitation, and I was aware of the general impression in the House that we might be interfering with speculations to a serious and undue extent. I am aware also that many were of opinion that we might thereby check the applica-

tion of capital to its legitimate end. I believe, Sir, that this subject has since undergone the consideration of a Committee composed of the most eminent men in this House; and I believe that their opinion was adverse to any direct interference for the purpose of applying a check. That, I think, was the general opinion of the Committee; and it would, in my opinion, be unwise in the Government to interfere unless it was certain of meeting with the general support of the House. The difficulty of so doing is very great. If we say that we will only sanction a certain number of railroads, or that we will only permit the application of a certain amount of capital, without having the means of ascertaining which of the different schemes are of intrinsic value and importance, I can see only great difficulty in applying any such direct check. I am not surprised, therefore, that the Committee should have come to the determination that we ought not to interfere with the ordinary application of capital. My noble Friend the Member for Liverpool has called the attention of the House, and of Parliament, to particular cases, which are well deserving the consideration of the House. The question does arise, whether, without taking upon ourselves the invidious and difficult application of any general rule as to the limitation of the number of schemes we will sanction, or the amount of capital we will permit to be invested, we shall not afford means to the individual speculators themselves to limit the amount of capital embarked in such speculations. There is a vast number of railway schemes under the consideration of the House, and there has been a great change of circumstances since those schemes were concocted. The parties now find the competition to be greater than they expected; they discover the prospect of profit to be less, and the difficulty of raising money to be very much increased. Many of those who calculated upon raising loans at 2½ per cent, when the prosperity was at a fever height, find that they cannot now raise money under 5 per cent. These circumstances have acted as a febrifuge, and have had a powerful effect in lowering the fever, and lessening the appetite for speculation. Now, the case of many of the schemes introduced for the consideration of the Legislature is, I apprehend, exactly this. There are parties in this country who have taken shares, who hold scrip, who have appointed directors; but a great change has taken place in their opinions as to obtaining profit on their outlay should the railway be formed. The directors, and the majority of shareholders, therefore, are desirous of stopping the undertaking and dissolving the company; and unless the undertaking be profitable, it will not be for the public interest that it should be carried out. If for any reason, or upon any subsequent consideration, it shall appear likely to cause a decided loss, and those who established propose to break up the company, I see no reason why the Legislature should not lend its sanction to such a proceeding. What can we take as a test of the probable profitableness of the company? I should say the opinion of the subscribers. We must not act upon any arbitrary notions of what number of schemes there should be; but if a majority of the subscribers to any one shall come to us and declare that their plan will not answer, or that there is no prospect of remuneration, the House may well resolve that it will not give a legislative sanction to such a scheme. I will state one or two cases which have come within my own knowledge. I know a case in Scotland where the shareholders, so far from viewing with any pleasure the prospects of success, were greatly alarmed when the case for the Bill was established before the Standing Orders Committee; and they thereupon held a meeting of the Members, and came to the resolution that the company should be dissolved. But there is a stronger case still. I know a railway in which the preliminary amount subscribed reached 100,000*l.*; there was 10,000*l.* expended in the preliminary proceedings; the remaining 90,000*l.* was invested in Exchequer bills. The directors and a vast majority of shareholders were convinced that the scheme could not answer, and were desirous of winding up the company. The engineer had failed to comply with the Standing Orders, and Parliament has therefore rejected the Bill. The remainder of the 90,000*l.* is invested in the public securities. The directors want to dissolve the company, but any small shareholder can restrain them; and it appears that two shareholders, or even one shareholder, might effectually oppose the dissolution; because the directors had entered into an unlimited engagement to do their utmost to pass this Bill. Their engagements are not, I believe, limited to any one year; and if they fail before the Standing Orders Committee, or in any other requisite during the present Session, they will not, as I understand, be relieved from their

part of the obligation. If in the terms of the subscription-deed power has been reserved to the directors of dissolving the company, they can dissolve it. But I am not aware that Parliament has the power of relieving the directors from their obligations; and therefore, where parties having failed before the Standing Orders Committee, and having got 90,000*l.* in the funds, there being no prospect of passing their Bill this year, the shareholders and subscribers being almost unanimous that it is better for the public, as well as their own individual interests, to return to each individual subscriber his share of the 90,000*l.*, which is invested in the public funds; and when I find a single shareholder may step in and say, "I hold you to your engagement, and will file a bill in Chancery against you"—I must say, that something should be done to enable the majority of that company to dissolve it. I have given to this subject as much consideration as I could, and I think it would be for the public advantage to pass, with as little delay as possible, a Bill limited to this object, viz., that where a certain number —I will not bind myself to any particular number—but where the majority of the shareholders, the persons holding more than one-half the amount of stock, represent to Parliament that they are not desirous of proceeding with their schemes, I think there should be full opportunity on their part of making that statement to either branch of the Legislature: and that in that case the Legislature should decline to sanction their scheme. I propose, also, in order to prevent any possibility of affecting the interests of creditors, that the parties who were the original parties to the engagement should remain with all their responsibility to any creditors for any expenditure actually incurred; and that thus, therefore, there should be a full assurance of every debt being paid, and of every engagement entered into with engineers and others being strictly fulfilled. Perhaps it might be desirable to have some officer, such as an official assignee or trustee, to take possession of the property, and to appropriate it to those who have claim upon it. But, if the House should sanction the principle of the measure I have shadowed out, in that case we shall not impose upon parties the compulsion of proceeding at the instance of a small minority, nor subject the majority, at very great inconvenience, to the liability of proceeding with an undertaking which can be of no possible advantage; and we shall do no injustice to any one. I propose, therefore, that a Bill should pass without delay; but, considering the state of public business in this House, I hope my noble Friend in the other House will undertake to bring it in. I think you ought to allow a certain proportion of subscribers, in point of number and amount of shares, to be taken as a full and fair representation of the opinions of the subscribers at large, and that you ought to permit them to present to Parliament a petition, stating their willingness not to proceed in Parliament, and then Parliament might, by not reading the Bill a third time, for a limited period, give full effect to their proposition. I think by that means many schemes not likely to be successful would fall to the ground in a legitimate manner by the signification of the wish of the majority of the shareholders not to proceed with them. There would thus be no necessity for selection or violent interference; but I believe that such a course would have the effect of greatly relieving the money market, in addition to the other advantages. The Bill cannot pass before the Easter recess; but I hope that, in the course of to-morrow, there will be given, in another place, a more full explanation of such a measure than I can give now.

Mr. LABOUCHERE said, the question which the noble Lord the Member for Liverpool had brought before the House was of the utmost importance, and one upon which the attention of the mercantile, manufacturing, and other interests was, at the present moment, fixed with the greatest anxiety. He was glad to find that the Government had now taken it into their serious consideration. He had never varied from the opinion which he expressed at the beginning of the Session on the appointment of the Committee, that any proposition with regard to this question ought to proceed from the Government—that it could not properly emanate from any Committee except upon the proposal and under the guidance of the Government; and he was sure that the right hon. Baronet the Vice President of the Board of Trade would agree in the accuracy of what he now stated. When the Committee first met, he was disappointed to find that all that the Government did was to present them with a list of the railway schemes under six different heads; but when the Committee came to consider them, they found them in so confused a state that it

was impossible to come to any definite plan respecting them. The Committee were of opinion that any proposal of this kind ought to proceed from the Government; but no such proposal having been made by the Government, the Committee did not go into that part of the subject. With regard to the plan of the right hon. Baronet, as far as it went, he thought it must receive the unanimous approbation of that House. It must be quite clear to any one who had the least knowledge of what was going on in the country, that it would be desirable to give to the subscribers of these railway schemes facilities of getting out of the scrapes they had fallen into; but his fear was, that it would not operate so far as the right hon. Baronet supposed. The right hon. Baronet said they were to proceed with these Bills until the majority of the subscribers should step in and ask the House to withhold their assent; but he thought the right hon. Baronet might have gone further, and proposed that the House should say to the shareholders, "We will not pass these Bills unless you tell us you are desirous they should pass." He had had communication with many persons engaged in railways, and they told him that the shareholders were in general very much dispersed and very much in the hands of the lawyers, provisional directors, and engineers, persons who had an interest in the expenditure of the proceeding; and if they threw upon them the task of originating a proposal, it would be very difficult to get them to undertake it. But, whatever mode they adopted of getting the shareholders out of the scrape, it would meet with almost unanimous assent. He could not see the distinction which he had heard the right hon. Baronet insist upon that evening, as upon a former occasion, that in consequence of railways requiring an Act of Parliament, there was a difference as to the interference of Parliament between them and those cases in which no Act of Parliament was required. It seemed to him, that if they rejected a Bill not because the scheme was bad or objectionable in any particular, but because it was not desirable that capital should be applied in that particular manner, they did in effect, though not directly, interfere with such a scheme; at the same time he must say that he was not so pedantic in his adherence to any abstract and general rules, that if he believed any evil was impending over the country, and the Government came forward and said, that upon their responsibility they had interfered and arrested that evil, he should decline to adopt such a course. However, he did not blame them for that; but he said it was for them to consider the whole case, and to make a proposal upon this part of the subject. He heard the right hon. Baronet the Vice President of the Board of Trade, on a former occasion, say that when the Committee met, it was intended to have proposed some plan to the Committee; but that the case was altered as the inquiry proceeded, and that then much fewer railway schemes went before the Committee of the House of Commons than was anticipated. He heard that declaration with great astonishment, because any one who had attended to the private business of that House, in the present Session, must see that the necessity of passing the Standing Orders' Committee and other impediments to petitions presented to the House on railways, had much less restricted railway schemes than was anticipated, and that the schemes that actually went before Committees were more numerous than was expected at the beginning of the Session. He was very glad his noble Friend had brought this subject forward; and he thought the plan of the right hon. Baronet was very judicious as far as it went; but he wished it had gone a little further. He was sure that effect must be beneficial, but not so great as the right hon. Gentleman seemed to anticipate.

Sir G. CLERK said, it was perfectly true that there was no formal scheme proposed to the Committee, having for its object the amount of capital which it might be considered expedient to direct in any one Session to railways. He had stated, on the appointment of the Committee, that owing to the immense number of schemes deposited with the Board of Trade, it appeared to the Government that it might be necessary that some means should be taken to limit the number of railway schemes to be passed this Session; but at the time the Committee made their final report, the case presented a very different aspect from that which it bore in December last; and he felt that nothing but a case of the extremest necessity could justify interference on the part of the House; and that any such interference, unless recommended by the unanimous assent of the Committee, would have a most prejudicial effect. Now, however, the case stood in a very different position. They found, that in different parts of the country, persons had, in the course of last autumn, rashly embarked in these

schemes; but that it was now considered that it was not for the public advantage that many of these schemes should be proceeded with, and that therefore it was desirable that facilities should be given to those persons to relieve themselves from prosecuting those schemes, care being taken that all the engagements into which they had entered, and all the expenses they had actually incurred, should be discharged, and that nothing should be done to relieve them from their pecuniary responsibilities already contracted. He trusted, therefore, that the measure to which his right hon. Friend had referred, would be of such a nature as to meet the object the petitioners had in view, and that at the same time no injustice would be done.

Mr. WARD thought that the right hon. Baronet was in the first instance exceedingly wise in abstaining from any direct interference in this matter; and that he was exceedingly wise now in opening a retreat to those who were engaged in railway schemes that were not likely to be of public advantage; and, with all deference to his right hon. Friend (Mr. Labouchere), he considered it was perfectly immaterial, in the present state of the public mind, whether they gave the majority of the shareholders an opportunity of applying to that House, and requesting them to withhold their assent, or refused to pass the Bills, unless the shareholders said they were desirous that they should be passed. It was desirable that facilities should be given to shareholders to free themselves from those schemes, and this was the only way in which an honourable retreat could be provided. His hon. Friend had spoken of provisional directors. As to that most unhappy class, he did not think that one of them would be alive three years hence. They had involved themselves in liabilities without the least knowledge of what they were about. He thought the plan of the right hon. Baronet would have a most beneficial effect for those who were engaged in these railway schemes, as well as upon those who were not connected with them.

Mr. W. PATTEN said, that the measure now proposed would not give the power of dissolving the company by a vote of the shareholders, and there was another difficulty in the case. A great many of these Bills were now under the consideration of the House, and others were before the Committees, and an enormous amount of expense had been incurred without the shareholders having any vote at all in the expenditure. Now, well worthy, as the right hon. Baronet's plan was, of attention, it was also of great importance that it should be known, that if petitions were presented by the shareholders to that House requesting to withdraw their Bills, those petitions would be referred to the Committees, with whom they would have due weight. Some were not aware of the enormous amount of expense of passing Bills through that House; but he thought if it were known that due attention would be paid to those petitions, it would have a greater influence in stirring up the shareholders than the mere knowledge that such a Bill as the right hon. Baronet proposed would be passed, because there was no doubt of this, that in six weeks' time it would be no object to the shareholders, as the whole expense would then have been incurred. A deputation from Sheffield had waited upon him to state that a large number of shareholders in a particular line wanted to withdraw their Bill. Now, if they ascertained that such was the opinion of a majority of the shareholders, no Committee would proceed with the Bill, even although the measure of the right hon. Baronet should not pass. The railway interests, he conceived, were much indebted to the noble Lord (Lord Sandon), and to the right hon. Baronet.

Mr. P. M. STEWART said, the Government measure was a very different thing from that shadowed forth at the commencement of the Session, when it was proposed they should limit the amount of capital to be invested in these undertakings. The present was in his opinion a much wiser proceeding, for no parties could be offended by it, and all might be relieved The only thing he would suggest was, that it should be compulsory upon the scripholders to meet and express their opinion at a certain stage of the Bill, say before the third reading, whether it would be desirable to take any further proceedings upon it. So many obstacles might be thrown in the way, that if the Legislature left it merely optional with the scripholders to meet, they might be thwarted in their intentions. It could not be said to be an arbitrary proposal that they should be asked for their renewed opinion upon the propriety of proceeding with their undertaking. If it were a good scheme the scripholders would be desirous to go on; but if not, and four out of five were of that character, they would withdraw the Bill, and Parliament would

be relieved from the trouble of considering it. His only fear was that the present measure was adopted so late as to be almost inoperative; but its provisions were otherwise calculated to relieve the money-market to a great extent.

Mr. F. T. BARING said, he concurred with the hon. Member who had just spoken in thinking that the present proposal of the Government was much wiser than a measure to restrict the amount of capital to be invested in railways, such as had been talked of at the opening of the Session. He was one of the Committee appointed on this subject, after the speech of the right hon. Baronet (Sir R. Peel); and it was expected that some scheme for limiting the amount of capital embarked in railway speculations would be proposed to the Committee. But no such scheme was suggested; and he should have objected to any measure of that kind unless some good reason could have been adduced for such an interference. But for this very reason he now advocated the plan proposed by the right hon. Baronet. He thought the House was bound to give facilities to parties for reviewing their judgments, and he considered the proposal of the right hon. Baronet a very proper one. If he understood the Bill, it was intended that the House should wait for the third reading of any Railway Bill, before it gave its decision; but there was no reason why parties should be dragged through all the previous expenses of the Committees, and some means of stopping the proceedings at an earlier stage than the third reading would be, he hoped, devised.

Mr. BECKETT DENISON agreed that it would be proper to give the shareholders in new lines a *locus pœnitentiæ*, so that they might withdraw their Bills if they liked. But he was surprised to find an hon. Member opposite recommending that the shareholders should be brought together for the express purpose of saying whether they should proceed with their object or not. He would take the case of such a railway as the London and York. The shareholders in that line were scattered all over the kingdom, and, if Parliament compelled them to meet, it would impose a great hardship upon them. So many of them would not or could not attend, that the meeting might be an unfair one, and might resolve that the undertaking should go on when the majority were of a different opinion. He called the attention of the Government to this point, that the majority for abandoning the Bill should represent not only the numbers of the shareholders, but also the money subscribed; otherwise it would be the interest of existing railways to set to work immediately and persuade a numerical majority of parties interested in new lines to give up their present projects. He agreed in general with the views expressed by the right hon. Baronet; but he thought parties ought not to be compelled to begin *de novo* to express an opinion they had always entertained.

Mr. BERNAL said, there could be but one opinion of the value of the measure proposed by the right hon. Baronet, and he only regretted it came so late. At the close of last Session he endeavoured to awaken the attention and enlist the energies of the right hon. Baronet on this point. He endeavoured to point out to the House the gambling, the misery, and the ruin, that would ensue from the prevalent spirit of railway speculation; but his warnings fell upon dead ears. He wished now to see some limit put to the spirit of speculation. The House did not know what cruel proceedings were going on to extort money out of the pockets of those who had put their names, not as shareholders only, or as provisional directors, but as inhabitants of the district favourable to the proposed scheme. The consequence was the ruin of many, and the stagnation of business in every part of the country. Almost every discussion in this House upon railway matters influenced the share market; and the House should, therefore, be cautious, as it might sometimes be doing great injury without intending it. The hon. Member who last addressed the House had expressed himself opposed to a compulsory meeting of the shareholders. It was possible to provide, whether the registered shareholders were to be taken or not, that shareholders at distant points, as, for example, at Edinburgh, Dublin, or Drogheda, should make affidavits and be empowered to vote by proxy. [An hon. Member: It is not possible.] Why was it not possible? Unless this were done, they could arrive at no useful result. He saw an advertisement in the papers of that day of a contest between the shareholders on the one hand, and the directors on the other, in which the directors refused to comply with the request of the shareholders, and said they considered themselves bound in honour, and with reference to the interests of the projected company, to proceed with their application to Parliament. If the

shareholders were not to express their opinion before the third reading, enormous and unnecessary expenses might be incurred. He hoped to see the Government measure come into operation and take effect at the earliest possible stage of Railway Bills.

Mr. HODGSON inquired whether the right hon. Baronet intended his measure to apply to the original shareholders, or to parties in possession of the scrip? The shareholders might have sold their scrip, and the right hon. Baronet could not mean to obtain their assent or dissent. He knew that it was now becoming a common practice for shares to be depreciated on the Stock Exchange for a purpose which was called "speculating for a wind-up." For instance, if a shareholder had paid 3*l.* deposit, and the shares fell to 1*l.*, they were bought by parties in the hope of getting 2*l.* or 2*l.* 5*s.* at the wind-up. Hon. Members might laugh, but he knew that this was done every day at Edinburgh.

Sir R. PEEL: "I do profess to be wholly unacquainted with the mysteries of this business. [*A laugh.*] It's true!" Cases might arise which Ministers could not foresee, and he did not wish to preclude such alterations as might be considered advisable in Committee. Indeed, he might defy any man to speak very confidently with respect to the operation of a measure of this kind. He thought the Government ought not to be blamed for not interfering before with the spirit of railway speculation. The right time for interfering was the great point. The House should be sure that they had public feeling with them; if they had not, all he could say was, they would be sure to fail. In reply to the question put by the hon. Member who had just resumed his seat, he would state that it was not the original shareholders, but the present holders, who were interested in the success of the undertakings, and they were, therefore, the parties who were entitled to express an opinion whether they should proceed or not. Certainly, the original shareholders who had sold out had no right to express an opinion. He proposed, therefore, that if a certain number of the present holders, holding a certain amount of the shares, perhaps more than half, should present a petition to Parliament stating their belief that the undertaking would not answer, or simply expressing their wish that the Bill should not pass, then it would be wise in the Legislature, on receiving that petition, to decline to legislate upon that Bill. He did not propose to postpone this proceeding until the third reading of the Bill. There were some Bills which stood for a third reading to-morrow; and he thought it would be a proper thing to postpone the consideration of them, not to a distant day, but to the close of the present month. No Committee would make great progress during that interval, and the Easter recess would give the shareholders an opportunity of reconsidering the question. This particular time was therefore a favourable one for giving notice of what the Government intended to propose. If the petition from the shareholders were presented before the second reading, or at any other stage after the first reading, or if a certificate from the directors, being the holders of a given amount of stock in the company, were published in the *Gazette*, expressing their wish that the measure should not pass, then the Bill would not be proceeded with. Whether it would be proper to require that the shareholders should meet and give their express assent to the third reading, or whether it should be at their option to meet and express their dissent, might be considered hereafter, but at present he inclined to his original views. They had a right to assume the assent of the parties, from what had already taken place, and to assume that the shareholders would be sufficiently provident of their own interest to dissent from the speculation if they now saw reason to alter their opinion concerning it. He was not prepared to agree to the suggestion of an hon. Gentleman, that it should be requisite for more than one-half of the shareholders to express their assent to further proceedings. No Bill in that case could obtain the sanction of the House, unless half the shareholders again represented it to be their wish to go on. The directors did not certainly know who the shareholders were, since the Government did not propose to take the original registered shareholders; and it would be an onerous thing to say, that unless they procured the formal assurance of their consent, the undertaking was to be at an end. He thought it advisable to give the companies a *locus pœnitentiæ;* and if a certain number, holding a certain amount of shares, had the power of withdrawing the Bill, that, he thought, would be better than insisting on meetings of the shareholders. In the case of a company with a capital of 1,000,000*l.*, if shareholders representing shares to the amount of 500,000*l.* ex-

pressed their wish, either by petition or by the certificate of their directors in the *Gazette*, to abandon their Bill, that would be sufficient to induce Parliament to withhold its assent thereto.

Mr. ELLICE asked whether the same powers should not be given to the directors, if they thought it not desirable to proceed with their Bill?

Sir R. PEEL said, the directors might part with their interest in the undertaking, and might have agreed to lease or sell the concern to some other line. It would therefore be undesirable to give them alone the power without consulting with the shareholders.

Mr. W. COLLETT was glad the right hon. Baronet had drawn the line between the original shareholders and the holders of scrip, and had proposed to take the opinion of the latter. He considered that some clause ought to be introduced to indemnify persons who had signed the deeds, after the just claims of the creditors were paid, against any further responsibility, so that the original subscribers might be secured from the annoyance to which in many cases they had been subjected.

Viscount MORPETH considered that the measure suggested by the right hon. Baronet was a most proper and prudent one; for there was a strong desire on the part of many scripholders to get rid of their present liabilities.

Mr. RUTHERFURD suggested that, pending the adopting of the measure to which the right hon. Baronet had referred, it was desirable for the House to obviate the evils to which allusion had been made, by passing a Resolution not to proceed further with any Railway Bills now before them, if petitions were presented to the House, signed by a majority of scripholders in number and value, praying them not to sanction such Bills. What difficulty would there be in Parliament saying, if petitions of that kind were presented, "We will not proceed further with these Bills at present." By such a course they would not interfere at all with the liability of the parties. The House would, of course, take means to ascertain the authenticity of the signatures to such petitions, and would be satisfied before acceding to them, that they truly expressed the wishes of a majority of the scripholders in numbers and value. It must be remembered, however, that many of the persons who were now scripholders were not the original subscribers to railway projects; and he wished to remind the right hon. Baronet of the fact, that the addresses of these scripholders were frequently not very well known, and that certain strong reasons might render some of those gentlemen not over-anxious to declare themselves. He (Mr. Rutherfurd) thought it important that, if a petition from a majority of the scripholders was required to induce Parliament to abstain from proceeding with a Bill, means should be taken to render a meeting of the company compulsory, in order to elicit the opinion of the scripholders; and that, if such meeting were held upon sufficient notice, it might be well for Parliament to consider whether they would not act upon the opinion expressed by a majority of scripholders in numbers and value attending the meeting. This was, undoubtedly, a question of great difficulty; but he thought the suggestion he had just made was not undeserving the attention of the House.

Mr. RICARDO said, there was one practical difficulty against which he had no doubt the right hon. Baronet would take means to guard. As the shares were not registered, there might be great difficulty in ascertaining whether the persons who signed petitions were real *bonâ fide* scripholders, and some precautions should be taken to avoid fraud.

Mr. C. BULLER would like to know by what arrangement the right hon. Baronet proposed to ascertain the validity of the signatures to such petitions. He considered it most desirable that something should be done in this matter before the recess; some decided intimation on the part of the House, so that parties might employ the recess in taking measures accordingly. It would be well if the House adopted the views of the right hon. Baronet, to appoint, after the recess, a Committee, to which all petitions against proceeding with particular schemes should be referred, which should thereupon determine whether the respective schemes should proceed to Select Committees. Suppose, by way of beginning at once, the hon. Gentleman who had moved the second reading of the Bill before the House (The Buxton Leet Potteries and Crewe Railway Bill) were to consent to the second reading being postponed, until it were ascertained whether the majority of the shareholders were favourable to its going on.

Viscount SANDON thought the best course for the House would be to adopt without delay the suggestion of the hon.

and learned Member for Liskeard, and to pass a Resolution on the subject, which he had no doubt would induce many of the companies to wind up their affairs.

Mr. J. O'CONNELL wished to offer a suggestion—which certainly had no immediate connexion with the question now before them—with reference to Irish railways. That House had shown a strong desire to facilitate the progress of Irish Railway Bills, with a view to afford relief to the destitute poor of that country. He must say, however, that although Bills for several railways in Ireland, which had promised extensive employment to the poor, had been sanctioned by Parliament, not a single stroke of work had yet been done towards their commencement. He wished, therefore, to suggest for the consideration of hon. Members during the recess, whether it might not be advisable, when Irish Railway Bills were brought forward, to introduce some clause rendering the completion of the works within a given and limited time compulsory, on pain of the dissolution of the companies.

Bill read a second time.

PROTECTION OF LIFE (IRELAND)—ADJOURNED DEBATE.

Sir J. GRAHAM moved the Order of the Day for resuming the Adjourned Debate on the Protection of Life (Ireland) Bill.

Sir R. PEEL said, he did not know whether there was any probability of coming to a division to-night on the first reading of this Bill; but, supposing that the House did not come to a division that night, he would make an earnest appeal to those who had notices on the Paper for to-morrow, to allow the debate on the Irish Bill to proceed to-morrow. He had no wish to interfere with the due discussion of the measure; but he believed that the Irish Members, if they permitted the House to proceed with the Corn Bill, by concluding the discussion on the Irish Bill, would be rendering an essential service to their country.

Mr. W. S. O'BRIEN felt deeply the inconvenience which the country suffered from the course taken, not by the Irish Bill to proceed to-morrow. He had no wish to interfere with the due discussion of the measure; but he believed that the Irish Members, but by the right hon. Baronet, who had the conduct of these Bills, and who might, if he had chosen, on Friday last, have moved the adjournment of the debate on the Coercion Bill till after Easter. To-morrow, or on Thursday, he (Mr. O'Brien) would willingly give way to the Corn Bill or any other remedial measure, but he would not facilitate in any way the discussion on the Coercion Bill. He did not wish to have any concealment with the right hon. Baronet as to the course which the Irish Members should pursue. He thought that it was their bounden duty to take care that, *pari passu* with the discussion of the Coercion Bill, there should be discussions as to the misgovernment of Ireland; that Irish Members should have the opportunity of making an exposition of what they considered the wrongs of their country; and that, in the absence of any proposition of remedial measures on the part of the Government, they should also have the opportunity of suggesting such measures which they thought advisable for removing those evils which they utterly denied that the measure now before the House would remove.

Sir R. PEEL said, that the course mentioned by the hon. Member would be perfectly compatible with allowing the Irish Bill to be read a first time; for on the subsequent stages the hon. Gentleman and others would have a full opportunity of stating their views.

Mr. J. O'CONNELL said, that the Government had made a great mistake, and had embarrassed themselves by bringing on this Coercion Bill before their own Corn Bill was passed, which a great number of the Irish Members were equally anxious with the right hon. Baronet to see carried. The Coercion Bill was not only inefficacious for its professed object, but would increase the horrible and execrable outrages it purported to put down, and would preclude all chance of the Irish people feeling any gratitude for the sympathy which he readily acknowledged had been shown for them in that House during the present Session. This Coercion Bill would not only destroy that feeling of gratitude, but would render almost irreconcilable the differences between the two countries; and he looked forward to results of the most disastrous nature to the connexion between England and Ireland. They were now in the seventh century of that connexion; and, during the whole of that time, the Irish people could not point to any period when the connexion had been fraught with anything but mischief and oppression to them. Surely it was time that this should be changed. The Repealers were most attached to the con-

nexion between the two countries, and wished to preserve it, and wished therefore the measures to which the Irish people objected postponed. Let the Government suspend these measures—let them try the powers they already possessed—let them try special commissions, and increase the police and military, and see what would be the effect. After trying this course, if the Government were to come to Parliament and say that this course had failed, he thought that the Government would then find a support on that (the Opposition) side of the House which perhaps they did not expect, supposing that they had employed the interval in introducing remedial measures, and proved that they were really in earnest, not only in bringing them before that House, but also in passing them through another place. The Irish Members would facilitate the passing of the Corn Bill and the other measures of the Government, and for that purpose they would attend every division ; but with respect to the Coercion Bill, they felt that they should be committing a crime against Ireland, and against the real interests of the two countries, by allowing it to pass until they had exhausted all the means of resistance which the Constitution gave them.

VISCOUNT MORPETH wished to read one sentence from a letter which he had received from the member of a firm in Yorkshire largely concerned in business. It did not bear specially on the Irish Bill, but upon the mode in which the two measures —the Corn Bill and the Irish Bill—were interlaced together. The letter stated, that owing to the delay in passing the Government commercial measures, the depression of all branches of trade was extreme, and that in consequence the operatives and their families were severely affected, and multitudes of industrious persons were in such a state of destitution that were it not for charity they must perish from famine. The letter added, that Lancashire presented a similar aspect. He did not wish to enter into a debate as to which measure should have priority of consideration ; but the statements in that letter induced him to hope, not certainly that ample means should not be allowed for the discussion of the Irish Bill, but that no more time would be expended on a preliminary stage of the measure than was compatible with that object. He wished to know whether the right hon. Baronet was ready to inform the House when he proposed that the House should meet after Easter.

COLONEL RAWDON said, that if the Government pressed the reading of this Order of the Day, he should propose as an Amendment, that it be read that day three months. [The SPEAKER intimated that such a Motion would be irregular.] The hon. and gallant Member then moved, that the other Orders of the Day be now read.

SIR R. PEEL did not wish to provoke a recriminatory discussion. This was a day on which the Government might bring on such measures as it thought fit, and the House met on the full understanding that the Irish Bill would be proceeded with ; he hoped that would now be allowed to be done.

Amendment withdrawn.

PROTECTION TO LIFE (IRELAND)—ADJOURNED DEBATE—(THIRD NIGHT).

Order of the Day read.

MR. CAREW said that he rose, as a representative of an Irish constituency, to state the reasons why he thought that the measures of Her Majesty's Government were inefficient, and totally inadequate to attain any desirable result. Had the Government gone down to the House with other measures calculated to improve the condition of the Irish people, they would have had a much stronger case to rely upon than they had at present, when they asked the House to pass the measure then before them. Had they done that, they should have had his support. But the case was very different, when, with the state of Ireland before them—with the appalling destitution, the more than usual misery and wretchedness of the peasantry depicted before them, they took that opportunity of devising a measure, not only unpopular and unconstitutional in its tendency, but utterly inadequate in its principle to attain the desired result. He had hoped that, long before this, the labours of the Land Commission would have been productive of some practical result. But such had been unfortunately hitherto the tenor of their legislation, that they had been invariably too late in the production of their measures, and but too frequently those measures had been inefficient, and ill adapted to the merits and to the exigencies of the case. That some legislation on the state of the relation between landlord and tenant in Ireland was necessary, was, he believed, admitted on all sides ; and he apprehended that most, if not all, the crime that afflicted parts of Ireland was attributable to that cause; and that was the opinion of those best calculated to form a sound

judgment on the subject. He found from the Appendix to the Report of the Land Commission, that in 1843 there were issued from the civil bill courts 5,244 ejectments, comprising no less than 14,816 persons. The Commissioners, in their Report of 1830, used the following language :—

"The situation of the ejected tenantry, or of those who are obliged to give up their small holdings, in order to promote the consolidation of farms, is necessarily most deplorable. It would be impossible for language to express the state of distress to which the ejected tenantry have been reduced. They have increased the stock of labour, and, what is perhaps more painful than all, a vast number of them have perished from want."

Were we, he would ask, in a better condition now? Lord Devon's Report, when speaking of the agricultural labourer, said—

"It would be impossible to describe adequately the privations which they and their families habitually and patiently endure. It will be seen in the evidence that in many districts their only food is the potato, their only beverage water. When we consider this state of things, and the large proportion of the population which come under the designation of agricultural labourers, we have to repeat that the patient endurance they exhibit is deserving of high commendation, and entitles them to the best consideration of Government and of Parliament."

He considered that that evidence was quite conclusive, and he called upon the Government to take the subject speedily into its consideration, equitably to adjust the question, having regard alike to the duties as well as to the rights of property; and should it be found that the former had been neglected, he did not hesitate to say that a measure to prevent the future recurrence of such neglect would be productive of far more use, and would conduce to far more practical results, than such Bills as the present. He considered, also, that it was not only the interest, but the bounden duty of Parliament to attend to and remedy what had been termed—and he perfectly coincided in the propriety of the designation—the monster grievance of Ireland, the Established Church. He had never heard before of a religious establishment for the benefit of a small minority of a country, of a populous country, of a country possessing more than eight millions of inhabitants, where these eight millions were compelled to pay for the proper service of the religion of scarce eight hundred thousand. It had been said that any organic change in the Irish Church would necessarily lead to similar results in the Church of England here. That consequence he must deny. It did not seem to him to be even probable. Indeed, he thought rather that a satisfactory adjustment of the Irish Church system would tend still further to strengthen the bonds that united the English Church to the people of this country; and he was quite certain that the longer the adjustment of the question was postponed, the worse bargain would the Irish Church be compelled, by the indignant voice of public opinion, to make. A writer on Ireland had justly observed that one reason why the Irish Church was so unpopular with the nation was, that—

"The religion of the Church of Ireland is Puritanism rather than Protestanism. The tone of its clergymen is much in the same key as the voice of dissent in England. They are, in their notions, very unlike their English brethren. Its clergy have zealously opposed the education of the people, and yet a national property is set apart for their exclusive maintenance."

Those, however, who had learned how the Church of England really did feel upon religious subjects, could only feel the deepest dejection at the mischievous industry with which the Protestant religion was exhibited in its most revolting aspect to an Irish people. What, then, was it the duty of the House to do? Were they to pass Coercion Bills for Ireland, or were they by a wise legislation to remove those evils under which the country laboured? He implored the House to adopt the latter alternative. Let them prove to the people of Ireland that they had not only the power but the will to serve them. Let them remove the causes of discontent, and they would thus lay the foundations for years of prosperity, whilst they would have the credit of placing society in that country in a position which it had never enjoyed before, when under their auspices it became contented and prosperous; when property would perform its duties as well as possess its rights; and when the Church would no longer be in that degrading position which now compelled it to receive its support from millions of its poorer Dissenting and Roman Catholic neighbours.

The O'CONOR DON observed, that this was a Bill of extreme pains and penalties, and highly restrictive of liberty, no one would deny; that it was a measure which would produce beneficial consequences, no one had attempted to establish; nor had there been any attempt to show that there was any connexion between the Bill itself and the crimes committed in Ireland. An appalling detail of the extent of that crime had been submitted to the House by the right

hon. Gentleman, and this measure was brought forward as a remedy for the evil; but it was easy to show that, while it would not tend to prevent the commission of crime, it would be the means of inflicting injury on thousands of well-disposed persons. He especially referred to the clause which required any person in a proclaimed district to remain in his own house from sunset to sunrise. There was not a district in Ireland in which this clause, if enforced, would not be productive of great annoyance and oppression, as people, when returning from market and on other lawful occasions, would be under the necessity of being out of their houses after sunset and before sunrise. The Secretary at War had alleged that one of the reasons for this clause was to insure the protection of the poor rather than the rich, as the former were chiefly attacked or shot at night, while the latter were usually assailed and murdered during the day. Now, from the experience which he had had he came to an opposite conclusion, as he found in the county which he represented that a great many poor persons were attacked during the day. The only result of such a clause as this being enforced would be, that offences, instead of being committed in the night, would be committed during the day. The Secretary for the Home Department referred to resolutions adopted by the grand jury for the county of Roscommon, and signed by him (the O'Conor Don) amongst others, and the right hon. Baronet had drawn from this circumstance the inference that therefore he was in favour of this Coercion Bill. Now, he would shortly explain to the House the part he had taken in this proceeding; and he was confident that after having done so the House would arrive at an opposite conclusion to that of the right hon. Gentleman. That there were in Roscommon many violent and lamentable violations of the law he was not there to deny; nor had he ever heard any one in the country, high or low, lay or clerical, but spoke against them in terms of bitter condemnation. At the assizes there were certain resolutions prepared by members of the grand jury, in which it was stated that a Coercion Bill ought to be carried by that House. He informed the grand jury that he did not coincide in such a view, as he could not consistently with his political sentiments support a proposal for bringing in any such Bill. He mentioned that he had always been opposed to Coercion Bills, and begged of the grand jury not to call for such a measure, on the ground that it would be useless, and, as he said at the time, they would only be showing their teeth where they could not bite. Finding that a majority of the grand jury did not agree with him in opinion, he withdrew; but, as this was not thought consistent with courtesy, he afterwards returned, and the grand jury consented to alter the words in the resolution from a call for a Coercion Bill, to a phrase simply calling on the Government to give efficiency to the law of the land; but it did not give any opinion as to how the efficiency was to be shown. The Government was quite aware of the part he had taken on that occasion; for when he returned to that House, Sir Thomas Fremantle told him that he knew he had opposed a Coercion Bill, and that he was quite right in so opposing it, as the present Government would unquestionably not grant a Coercion Bill. But, though the Government were aware of his opposition to such a measure, his name had been introduced in both Houses of Parliament as in favour of the Coercion Bill. [Sir J. GRAHAM: Did this conversation take place after the last summer assizes?] He recollected distinctly that it was on his return to that House from the Roscommon summer assizes. Sir Thomas Fremantle stated to him in the library that he was aware that the grand jury were in favour of a Coercion Bill, and that he (the O'Conor Don) had opposed it; and the right hon. Gentleman gave him the names of one or two persons who had taken part in the proceedings, showing how carefully the right hon. Gentleman had got his information. In reference to the Bill now before the House, he maintained that it would rather aggravate the evils of Ireland, than tend to remove them. Ireland had been the victim of tardy legislation: she ceased to attract attention till the eyes of the Legislature were directed towards her through the medium of disturbances. The sooner Government came to the consideration of such questions as that of landlord and tenant, the better would it be for Ireland. The Secretary at War said he was anxious for the fair fame of Ireland; and Irish Members must have heard with shame that in the Speech from the Throne the nation to which they belonged was spoken of as on the verge of starvation and the scene of assassination; but, if this was the source of sorrow to any Irish Member, was it not a source of discredit to the Ministers

of the country, who had the destinies of Ireland in their hands?

Mr. M. MILNES thought the House should confine its attention to the matter immediately under its consideration, rather than embark on the great sea of a general Irish question; more particularly as the case under consideration had been brought forward as a peculiar and especial one. He considered it a satisfaction to every English and Irish man in the House, that the right hon. Baronet the Secretary for the Home Department, had drawn a distinct line as to the special nature of his case, which he represented as applicable for a peculiar emergency, and carefully separated it by very broad lines from the great questions respecting Irish legislation, which had so frequently been before the House. Indeed, it was impossible for any person to have paid attention to the right hon. Baronet's remarks without perceiving that the present was a temporary measure of prevention, and that in their consideration it was to be regarded as such. It had been maintained by hon. Members opposite, that the House ought not to consider the present Bill without also considering the propriety of introducing large and general remedial measures; but he would suggest whether they were not giving this measure an undue importance, as if it was the intention of Her Majesty's Government to interfere in any way with the liberty of the subject more than absolutely necessary for the protection of life and property. He must say that he did not think that any of those Gentlemen could be so sanguine of the success of any remedial measure, or imagine that they could at once be effectual in stopping that frightful system of assassination (for he did not see why they should blink that word) without accompanying it by some strong immediate police regulation. For it was clear that when society had fallen into such a state as to be productive of outrages of the description they had heard, any measures directed to the remedy of the evil ought to be accompanied by some strong coercive measure. He did believe Her Majesty's Government were not unwilling to receive from hon. Members opposite any suggestion that would under this Bill be more practically useful for carrying out its immediate object. In the progress of that Bill through the other House the greatest unanimity prevailed as to the desirableness of the measure. Since he had had the honour of a seat in the House, he had felt very deeply on the subject of Ireland; a subject on which it was impossible for any one to think without a consciousness of its overpowering weight and difficulty, He cordially concurred in the noble sentiment expressed by his right hon. Friend the Secretary at War, that he for one would never join in making Ireland the scene of a party conflict. He hoped earnestly and heartily, that those hon. Gentlemen on that (the Ministerial) side of the House, who had been led into what he believed to be a violation of the great rule of justice in this respect, had been misled rather by the heat of party struggles, over which individually they had little control, rather than by any intention to do anything to the injury of Ireland. In the course of this debate, he trusted they would do all they could to prevent the opinion from being entertained out of doors, that this Bill was brought forward as a measure of insult and injury to the Irish people. He was sure the strongest opponent of Government would readily admit, that since they came into office they had done everything in their power to administer the affairs of that country with justice and moderation, irrespective of party feeling. Her Majesty's Government were determined to adopt the policy of governing Ireland as a whole, and not with reference to any party, how powerful soever that party might be. He thought the House would admit the difficulty of carrying out such a course of policy. If he should give his support to the Bill, it was simply because he regarded it as a measure of relief intended to meet an immediate evil, which he hoped would be of very short continuance. It had been objected by the hon. Gentleman who spoke last, that the Bill failed in one point, namely, in restricting its operations to the night, although it was well known that a considerable number, if not a majority, of the crimes which it was intended to prevent, had been committed in the daytime. But the great object of this Bill was detection; and as outrages committed during the night were most difficult of detection, it was of importance that the provisions of the Bill should provide especially for the apprehension of nightly offenders. It was no satisfactory answer to say, that this Bill would be inconvenient to innocent persons in the neighbourhood in which it came into operation. It was impossible to conceive any system of strong restrictive police that would not be inconvenient to the innocent as well as the guilty. Crime of the cha-

racter committed in Ireland could only be eradicated by a measure of this nature. He hoped it would have the effect of raising the moral character of the people, by making them feel the expense and inconvenience arising from criminality. He was glad to find that the original proposition to transport offenders for fifteen years had been altered, and seven years substituted. He did not think that the punishment of transportation ought to be inflicted so summarily as the Bill now provided, and he should, therefore, co-operate with hon. Gentlemen opposite for the Amendment of that clause. It was most important that the innocent should not be confounded with the guilty; but as separating them at all times was most difficult under a measure of this kind, its punishments ought not to be severe. Whatever good effects might be produced by this measure, he hoped the Government would not consider themselves thereby exonerated from bringing forward great remedial measures for Ireland. He believed no English Government could any longer go on without bringing forward remedial measures for Ireland. He hoped they would approach that difficult task in something better than a mere party spirit. By so doing they might resolve that difficult problem of legislating satisfactorily for Ireland, and wipe out that great stain of English history, without the removal of which stain they could not look forward to a blessing on this country.

Mr. D. BROWNE stated, that it was matter of congratulation to every Irish representative, and particularly to those whose political opinions were identified with the sentiments of the majority of the people, to witness the calm and moderate tone in which the debate had been conducted, the evident change in the feelings of that House respecting Irish questions, and to see that the dogmatism with which the hon. Gentlemen opposite were wont to discuss Irish questions had been abandoned, and that the sentiments of those in whom the people placed confidence were received with attention and consideration, even by Her Majesty's Ministers. However, it was difficult for an Irish Member to imitate that moderate tone, disposed though he might be to do so; for it would be acknowledged by all, that it was calculated to excite feelings of an irritating nature in the reflection that the Constitution was about to be suspended in Ireland—that the civil and national liberties of the people were about being diminished and disturbed at a period when a most comprehensive measure, perhaps the fullest that could be desired, of commercial liberty, was being extended to England, respecting which, if the people of Ireland were not willing to make great sacrifices, at least they had hazarded a great risk for the sole benefit of the people of England. It should be matter painful to the feelings of every British citizen, who appreciated the privileges and the blessings of the free institutions of this country, especially if he were an Irish Member, to find, while he remained here, that he could enjoy those privileges undisturbed and unimpaired; but that the moment he crossed the Irish Channel, where there was no difference as to the extent of crime, though there certainly was in its character—for while crimes in Ireland were caused by political grievances, the redress of which grievances would be the prevention of those crimes—crimes in England arose out of the morbid passions of the people, individualized in a thousand ways which no legislative treatment could reach, inasmuch as the aggregate of crime, especially of murder, sprung from a thousand causes in the variety of the idiosyncracies of moral guilt—must it not be painful to any Irish representative, with such a state of things, to find that the moment he trod upon the soil of his country, the free privileges of the British Constitution were no longer sacred and inviolate—that he left a land of freedom to occupy a country in a worse condition than a penal settlement—worse, he repeated, for when punishment terminated in a penal settlement, the fullest enjoyment of constitutional freedom commenced: that he was destined to a country where every man's dwelling-house was his prison—where his sleep might be broken at any moment, and the sanctuary of his home violated by those emissaries of the law who, he should prove hereafter, were not very scrupulous in the discharge of their unenviable duties, and dependent upon whose evidence and honesty there was little protection for the lives and liberties of the people. He now came to the question before the House. It should be acknowledged by all—and nobody regretted it more than he did—that there existed unhappily at the present moment in Ireland, prædial excitement of a most dangerous character under a formidable combination in many counties, and that it was quite incompatible with the well-being of society. But then the question was, whether that prædial excitement was to be

arrested by the strong arm of the law—whether the strong arm of the law could arrest it—or whether it was to be allayed by the more soothing treatment of remedial measures, and a more conciliatory and national policy in the administration of the Government of the country? This brought him to the consideration whether those evils had arisen out of the maladministration of the Government of Ireland, and the conduct of the higher classes and the landlords, or from the naturally bad passions and insubordinate spirit of the people of the country. If the two former were the causes, the remedy was obvious—a change in the administration of the law, and the application of legislation to, and a wholesome restraint, so far as it could be constitutionally exercised, upon, the conduct of the landlords. He should not go back to the period before the Union. He should not revert to those revolting scenes which defaced the history of Ireland; no, let them be buried in oblivion. It was better it should be so, for the sake of peace, for the sake of good-will, for the sake of that mutual confidence which the remembrance of rankling injuries would be calculated to disturb, and upon which confidence depended the prosperity and permanent happiness of the country. But since the Union, though the rule of England was of a milder and a less barbarous character, more in accordance with the spread of civilization, and the moral duties and obligations of a more tolerant interpretation of the doctrines of Christianity; yet the acts of the Executive still continued rigorous, shamefully partial and one-sided; suspected, in the exercise of its highest functions even on the Bench, under its most sacred obligations; and the same system of class legislation was adopted which for centuries was found to be the bane of Ireland; which governed for a party and not for a people; which ranged Catholic against Protestant, and Protestant against Catholic, till in the struggle for ascendancy on the one hand, and equality on the other, they forgot they had a country, to the development of whose vast resources, material and intellectual, if their vast united energies had been directed, there would be infinitely greater power, benefit, and honour, even to the ascendant party, than from the miserable monopolies and despicable domination for which they had been contending—that class legislation which was based upon the blind and mistaken policy, that a great social or political system, or any system of uniform Government, could be raised up out of the paltry materials which a miserable section of a party could afford; and that the greatness and stability of the one, and the security of the other, were not to be dependent upon the vast materials and their greatest variety of the universal nation, which would be found so plastic to the hands of a statesman, if there were a great design of wise and beneficent government conducted with liberality and grace. What was the nature of their legislation since the Union? After a solemn promise between the Minister of that day and the Catholic people of Ireland, that emancipation would be immediately granted, if they did not resist the Union—were not the doors of both Houses of Parliament closed against the Roman Catholics for twenty-nine years? And when they got Catholic Emancipation—when the Legislature gave them a right to enjoy certain privileges—were they not shut out from the enjoyment of them by every Government of the day? They were showed lofty positions, which they were told they could occupy; but the ladder by which they could climb—the goodwill and patronage of the Executive—was denied them. They had a right to benefit, but an exclusion from benefit. They had perfect equality upon the Statute-book of England, but inequality in the Castle of Dublin, which was proved in every act of its administrative capacity, whether it related to power, patronage, or even to pardon and punishment. Then they had the Church grievance continued, with all its indispensable abuses unabated, until within the last few years. Here, however, he might take the opportunity of alluding to words spoken in some place which the infirmity of his House of Commons' recollection would not allow him to mention. It had been remarked, that in consequence of a solemn compact at the Union, the temporalities of the Protestant Church in Ireland could not be touched. Why, they had been touched several times since the Union, and especially by Lord Stanley, whose Bill flew at no vulgar game, but took down bishops at every swoop with as little respect as if they were Sikhs, or Affghans, or *meri Hibernici* in olden time, or even Polish noblemen of the present day. But what was the abstract character of such a policy. Did the noble Duke mean to say that one race of men could make laws binding on another—that the human institutions of the present

day, which were finite, would remain for ever applicable to a people who were eternal—to a stretch of ages yet to come, and, perhaps, of nations yet unnumbered. Were they to see in Ireland the progress of science stimulated by the Government of the day—and the preferment of that distinguished Catholic gentleman, Dr. Kane, was a disposition to do so, besides also the distinction which they conferred the other day upon another Catholic gentleman, Dr. Corrigan, the most eloquent lecturer, perhaps, in the world, on *Materia Medica* —were they to see the progress of science in Ireland meet with reward and honour, while the noblest of all sciences — the science of legislation—was to remain stationary and unimproved? Were the people of England to see the merchandise of England, with all its new inventions, borne, as it would be under the new Tariff regulations, over the waters of the world with a rapidity almost increasing with the progress of time, while the machinery of Irish legislation was to be lumbering on in all the dulness of its staid antiquity? And were the people of Ireland to sit down content in the old family coach of Tory or even of Whig finality, while England and every other nation of the world was passing them by with the railroad speed of legislation, casting the dust of reform in their eyes? He next alluded to the coercive measures passed towards Ireland since the Union, and he thought he should show that, while they had the same objects the life and property protective measures seemed to have, they were perfectly inefficacious in fulfilling their objects. Let them just consider the coercive measures enacted from the Union to 1829. He found those Acts so well arranged in a speech delivered by the right hon. Baronet at the head of Her Majesty's Government, and quoted elsewhere, that he made no apology to the House for reading an extract:—

"In 1800 we find the Habeas Corpus Act suspended, and the Act for the Suppression of Rebellion in force. In 1801 they were continued. In 1802, I believe, they expired. In 1803, the insurrection for which Emmet suffered broke out, Lord Kilwardin was murdered by a savage mob, and both Acts of Parliament were renewed. In 1804 they were continued. In 1806 the west and south of Ireland were in a state of insubordination, which was with difficulty suppressed by the severest enforcement of the ordinary law. In 1807, in consequence chiefly of the disorders which had prevailed in 1806, the Act called the Insurrection Act was introduced. It gave power to the Lord Lieutenant to place any district, by proclamation, out of the pale of the ordinary law. It suspended trial by jury, and made it a transportable offence to be out of doors from sunset to sunrise. In 1807 this Act continued in force, and in 1808 and 1809, till the close of the Session of 1810. In 1811 the Insurrection Act was renewed; it was continued in 1815, 1816, and 1817. In 1822 it was again revived, and continued during the years 1823, 1824, and 1825. In 1825, the temporary Act intended for the suppression of dangerous associations, and especially the Roman Catholic Association, was passed. It continued during 1826 and 1827, and expired in 1828. In 1829 a new Act was obtained to suppress the Roman Catholic Association."

First, he proposed considering how those measures were calculated to act upon the popular mind. They had for fifteen or sixteen years, out of twenty-eight, laws, for all the time, more or less oppressive; some trenching upon the first principles of liberty, all interfering with the right of petition and the freedom of discussion. The great charters of British liberty, Trial by Jury and the Habeas Corpus Act, were suspended. Absolute power was given to the Lord Lieutenant to place the country out of the pale of the Constitution. To be seen out at certain hours of the night was made a transportable offence, a principle most dangerous to freedom, giving to crime a relative, and not a positive character—making criminality depend, not upon the overt act, the intent or animus, but upon a question of time—making what was innocent this moment criminal the next; in fact, having the conduct of the people, in its legal responsibility, vacillating between innocence and guilt, according to the curfew regulations of the Bill now before the House. Could they, therefore, expect there could be tranquillity and order under such a state of things? Could they expect contentment? Would not the Irish people be more or less than human if they were satisfied? Would they not be more or less than human if they were well affected, under such a state of things, to the Government of the country? Was not the excitement more to be attributed to the Government of England, than to the nationally evil passions of the people? What, let them inquire, were those coercive measures intended to effect; and were they successful in carrying out their object? They were intended to accomplish the same objects as the present Bill, and they were signally unsuccessful. In those days, he should demonstrate by reference to the debates of that House, as well as in the present, the great excitement affecting the peace of society was of a prædial character relating to land, its burdens and occupancy in one form or another; no matter whether it affected the people in

the shape of tithes, or rack-rent, or the precarious tenure of land. And, here, he might take the liberty of remarking, differing as he did in opinion from others, that this agrarian excitement never had much connexion with political agitation; and, at the present moment, it had none. Political agitation had never been dangerous to the well-being of society. It had always, since the Union, inculcated obedience to the laws; and the danger had always arisen when the law had endeavoured to suppress it, as in the instance of the State Trials the other day; and the people had not had recourse to lawlessness until they were prevented seeking a redress of their grievances in a constitutional way. One, to use an illustration, was a bright light that pointed out, in the noontide of freedom, the way to rational liberty; the other was a smouldering fire, slacked from the public view, which, during a period of coercion, in the darkness of despondency and despair, ever burned with lurid malignity, avoiding, with *ignis fatuus* power, the vigilance of the Government. But all those Coercion Bills were to suppress this prædial excitement. He should quote, in corroboration of his statement, from the speeches of the Ministers of the day, who all, by the way, commenced by expressing, as did the right hon. Baronet the Secretary of State for the Home Department, their regret, and how much it was their painful duty, to introduce such measures. Lord Castlereagh, in the year 1800, in proposing the Bill for the Suppression of Rebellion, talked, as did the right hon. Baronet, of the extent of outrages. Thirty-four men, he said, in reference to Ireland, were condemned to death a few months previously; 207 were tried; and all the crimes were levelled against property. Mr. Secretary Yorke in 1805 used similar language; and in the year 1814 Viscount Sidmouth, in the House of Lords, in introducing the Irish Peace Preservation Bill, said—

"He regretted to have to introduce such a Bill"—so far agreeing with the right hon. Baronet the Home Secretary. "There were, however, districts in Ireland where such a system of terror and outrage prevailed, as to stop the administration of justice, and suspend the functions of the county magistrates. Sometimes a man was told that a certain rent should be given, and those who dared to give a higher rent were exposed to the dreadful punishment of 'carding,' and at other times such persons incurred the punishment of death."

Then they had the exact state of things complained of at present; proceeding from the very same cause which existed at present—the competition for land, creating exorbitant rents—no check to that competition in the farmers' high feeling and benevolence of the landlords; and consequently an appeal to the wild equity of village law; which he feared would end, if there were not some remedial measures, in the horrors of a social war. Again, they had in 1822, the Earl of Liverpool "coming forward with deepest regret to propose another measure of coercion." The noble Lord stated—

"With respect to the state of Ireland, there was nothing political in the nature of the present disturbances. That was a fact which could not be disputed. The disorders did not arise from discontent connected with popular causes, or from a spirit of hostility to the Government. They had, indeed, no political object in view. Their object appeared to be much deeper in the framework of society. It was impossible not to see that it was not solely directed against certain property, and the lives of the owners of such property."

The Marquess of Londonderry stated in the other House—

"That the object of the disturbance was to put down all law—to dispose of all property—everything was to be regulated according to the unknown system of some invisible Government to decide how gentlemen were to let their lands, and if they were to let them at all."

Therefore, it was evident that this present agrarian excitement arose from grievances of long standing and deeply rooted in the soil of Ireland; and it was quite plain, from the constant repetition of those coercive measures, how ineffectual they had been to put it down. He firmly believed that the measure before the House would not have the desired effect. He would vote for a more stringent measure if he thought it would be successful; but from the Bill he thought the most disastrous consequences would ensue. It would add fuel to the flames, for he considered there was in Ireland a disregard of life amongst the discontented, great, indeed, in comparison with their sullen determination to resist what they believed to be injustice. Doing justice was the only cure for the evil. It was the only sure foundation on which they could erect the edifice of social happiness and efficient government. Compel the landlords to do their duty; and let the people, who have no security in their present condition, or who could find no redress from their natural protectors, obtain it from the Constitution of England. He next wished to offer a few observations on the system of espionage in Ireland, to which

he had incidentally alluded before. That system was carried on to a fearful extent. The police, in some instances, concealed arms in the houses of those they wished to convict; secreted Ribbon documents about their persons, and instigated armed parties to attack houses in order to fix the guilt upon others, and to gain for themselves promotion and reward. Several spies of the police conspired to murder the coachman of Lord Dunraven, in order, after that foul act was committed, to fix the guilt on ten innocent victims. What could be more horrible or atrocious? Projecting a double murder, in which they would be the executioners in the one instance, and the law in the other. They also designed and set a train for the purpose of burning the church of Adare, in the county Limerick. If that vile plot had not been discovered, and if those innocent men had been brought to trial and conviction—and perhaps there were many similarly circumstances in the category of crime read by the right hon. Baronet—how hon. Gentlemen on the opposite side would rail at Irish barbarism, and raise up their eyes in pious horror at this sacrilege of the Church; and, apostrophising Lord Dunraven, state, "that no Irish nobleman ever lived upon his property under such a state of things;" and how the noble Member for Lynn (Lord G. Bentinck), storming in his place, would apply every opprobrious and degrading epithet to Irishmen which the vocabulary of abuse could suggest. But the noble Lord the leader of the protectionist party quoted the other night a case of aggression, where an old lady was attacked. He (Mr. Browne) could read him twenty cases of the murder of women in England in the year 1845, a season of unprecedented prosperity. If such crimes could occur at such a time, what would be the state of England? How fearful it was to contemplate the contingency if bad government had reduced Englishmen to the condition of the people of Ireland! Let the noble Lord hear the catalogue of English crimes, and ponder well upon it. The hon. Member having read a list of upwards of twenty murders committed upon females in England during the past year, proceeded to observe, that such was a statement of cold-blooded English murders perpetrated on helpless women. But the statement was received with little horror in that House, compared with the statement of the single murder of an unprotected lady in Ireland. What was the person? Because they were accustomed to such things in England, and they were no novelty to Englishmen. The noble Lord applied the terms "ruffians," "cold-blooded murderers," &c., to his (Mr. Browne's) countrymen. He (Mr. Browne) would read for the noble Lord the deeds committed by Englishmen in England during the ten months of the year already expired. Having read a long list of atrocities alleged to have been committed in England within the last few months—I have now (continued the hon. Member) almost concluded. I have endeavoured to show that bad government in Ireland has been the cause of crime—that coercion for nearly half a century has been tried in vain—and that the people have been almost uniformly excited by the same causes; have suffered from the same grievances which you hitherto have not tried to redress. For the sake of the peace of Ireland give up coercion, and try the new remedy—a redress of grievances. Particularly would I address myself to the right hon. Baronet at the head of Her Majesty's Government, who I feel is well disposed towards my country, to ask his own heart what is most wanting. Let him see the anomalous condition of the people—poverty almost unexampled in the history of any country. Whole millions are drained from the country by heartless absentees; the granaries of our country, bursting with their contents, while the people, in abject wretchedness, are claiming a miserable pittance from the stranger; our flocks, and droves, and herds innumerable, driven to another land, to swell the absentee tribute, while the unfortunate peasantry are at the present moment endeavouring—to use the phrase of the Poor Law Commissioners—to "keep a grip of life." Let the right hon. Baronet look to the state of the Irish metropolis. Even the prestige of our former greatness gone; the houses of our nobility desecrated to mean and lowly purposes—her streets deserted—her shopkeepers bankrupt—her Custom-house a depot for English merchandise—her Exchange a mockery—her Bank a monopoly—and her Castle, as it will be, under this Bill, a despotism. Let him reflect upon these things, and apply the real remedy, and abandon coercion. Above all, let him show to the Irish people a good intention of impartial government. Let him unite—to use language I have heard before—the science of Watt with the policy of the son of Chatham—let him encourage the introduction of capital into Ireland—the sure foundation of political peace and commer-

cial prosperity, and he will behold a glorious consummation, which will add another laurel to the reputation of a name which then indeed will become immortal. The Amendment proposed by the hon. and learned Member for Cork merits my warmest approbation, and I shall deem it my duty to record my vote in its favour, and against the Irish Coercion Bill.

Viscount MORPETH: Though I have almost less than any of those around me shared in the late discussions on the subject before the House, yet the frequent and active part I was formerly called on to take in a public and official capacity connected with Ireland, will, I hope, serve as an excuse for my intrusion for a short period on this debate. I say for a short period, for many reasons. On the general political views applicable to Ireland, I have no wish to add anything to what was so forcibly stated the other night by my noble Friend the Member for the city of London. In the next place, the present state of the public business (which I have already had an opportunity of referring to this evening) makes me wish to avoid any course which may unnecessarily protract the farther progress of the measures now before the House; but most of all—and it is the main reason which induces me to speak at all—because my previous experience in the administration of Irish affairs makes me feel considerable caution and diffidence in all I might wish to offer to the consideration of the House. From my own recollection of what I experienced, I am too sensible of the great difficulties of those who have to administer the Government, ever to wish lightly, or without the gravest reasons, to obstruct or embarrass those now charged with the same responsibilities; and, further, my vivid impression of the anxiety with which any unusual case of outrage, or of any added insecurity to property or life, falls on the person on whom the duty devolves of counteracting, and, if possible, preventing such occurrences, would make me naturally shrink from impeding measures which the Executive authority at any time may bring forward, backed by the evidence of facts stated on the responsibility of the Government. I cannot efface from my memory the recollection which such a murder as that of the late Lord Norbury excited in my mind. I do not allude to that occurrence as if the rank of the murdered person ought to produce any difference of sympathy, but because it happened to be, while I held office, among the first of that unaccountable series of offences caused by no provocation, and attended by no clue. And in the face of such things, while the evil lasts and the danger continues—though I am willing and anxious to limit the period of the penalties strictly to the period of the exigency—though I admit it would be preferable that measures of permanent redress and conciliation should be brought in, either antecedently or concomitantly with any measures of harshness and severity, and though I reserve to myself the power of canvassing all the details of this Bill—yet I cannot take on myself the responsibility of refusing to entertain, at least, the proposition for giving, for a very limited time to the Queen's Government some, at least, of those powers which they allege to be essential to the safety of human life in Ireland. On former occasions, I was not restrained from bearing my testimony to what I consider the many shining qualities of the Irish character. I have not refrained—when it was calculated to give offence, and did give offence—to institute a favourable contrast in some points between the people of Ireland and even my own countrymen; and now, too, when I feel called on to give a vote not in unison with that of those representatives in whom the Irish people place most confidence—when I feel called on most reluctantly to join in legislation intended to subdue the prevalence of Irish crime—I am quite as ready, and more ready to allow that in many points, in honesty of dealing between man and man, and in patient resignation under almost intolerable want and privations, there is a conspicuous pre-eminence of Irish virtue probably not to be found in any other nation. My hon. Friend who has just concluded his speech dwelt with much force on the number and atrocity of the crimes committed in England. I am ready to admit that it may be quite easy to pick out of the annals of crime atrocities committed in this country equal to any committed in Ireland; exceeding them in wantonness, and—not in the absence of any palliation, for I will not use that word in reference to murder—but in the absence of any strong permanent cause or motives for their perpetration. But it is not so much the number as the system of Irish crime—the system of combination, and the consequences it entails in spreading abroad a general feeling of insecurity, comprehending all classes, from the highest down to those who socially are the most destitute and unprotected—which seems to me to call for

some intervention on the part of the Legislature. I was struck—I could not fail to be struck—with the fact which was so impressively stated by the right hon. Gentleman the Secretary at War in the course of his speech. The right hon. Gentleman said, that it was not so much the number of actual murders and assaults, as the number of threatening notices and letters, which was to be regarded. No less than 3,520 of those threatening notices were sent throughout the country in eighteen months. What was one of those notices but a sword hanging over the head of him to whom it was sent, depriving him of his peace of mind, placing him in a state of terror by night and by day, and makng his whole life a fear and a misery? Whether or not this measure will be effectual to repress such crimes, is another question. I certainly do entertain great doubts whether it will answer the end proposed, and I believe that many of its provisions are inadequate to reach those evils. But I say, then, let us consider them in Committee; for in such a state of things, I dare not refuse to consider what steps should be taken to terminate such a condition of affairs. With reference to the general policy on which Ireland should be governed, I am willing to go as far as most men in the advocacy of a liberal and enlightened policy for Ireland. When I acted in conjunction with my hon. Friends around me, as one of Her Majesty's Ministers, and was a party, and not a backward party, to the preparation and introduction of the memorable Appropriation Clause, as it was called—on that occasion I stated it to be my opinion—an opinion from which I have certainly seen no reason to deviate since that time—that even that clause did not come up to that which was due in strict justice to the people of Ireland with respect to Church property in that country. I candidly state what is my opinion; but it does not, I confess, seem to me now that this subject is at present the most prominent in the sister country. It is not that which now presses most on the attention of the Irish people, or is most calculated to meet the exigencies of the times. In addition to the measure relating to Church property, my noble Friend the Member for the city of London, and those hon. Gentlemen with whom I had the honour of acting, proposed to place the municipal franchises of Ireland on the same footing as those of England. We were not successful in endeavouring to carry that proposition; but I still think, notwithstanding that adverse decision, that all the franchises of Ireland—making allowances for any adaptation to special circumstances which might be deemed requisite—ought to be placed on the same basis as those of England and Scotland. We introduced and carried an Irish Poor Law; and I still think that the relations between the Irish poverty and Irish property would be benefited by further adjustment. It seems to me that the measure most called for in the present state of Ireland is a law regulating the relations of the landlord and the tenant in that country. Most cordially do I hope that the measure which, as I understand, is contemplated by Her Majesty's Government on this subject, may be found, on its introduction to the House, to have been framed in a wise and a considerate spirit, and calculated to effect its desired object. I cannot dissemble my opinion that the vast tracts of waste lands and bogs in that country might, by some judicious measure, be made much more available than they have ever been as yet, in augmenting the resources of the country and improving the condition of the people. It is true that we did not propose any such measure ourselves, nor am I now prepared with the details of any plan to carry out that object; but it seems to me that where, on the one hand, you have such a vast area of ground lying untenanted and untilled, and, on the other hand, masses of people living on one spot of soil, in indigence and want, without the means of turning to any productive employment the strength which God has given them, that we might devise some method of bringing together those two great elements of improvement, the land and the labour, and turning them to great account. Let me, before I conclude, express one more hope with respect to the Bill itself. Whatever may be the period at which this Bill will pass the first reading, much time must elapse before it can pass through Committee and its subsequent stages. If, during the period which must intervene, any material improvement should take place, and crime in Ireland should diminish, if the exercise of the ordinary powers of the law, if the exertions of the military and police—never henceforth to be employed, I trust, as we have heard of their being on a recent occasion—if the verdicts of the courts of justice (by which I see that, very lately, two men accused of the murder of Mr. Clarke have been sentenced to death)—if the softened tone of feeling and discussion exhibited by this House—if the utter abhorrence with which

those cowardly assassinations have been branded by not only the Ministers of the Government and the ministers of the gospel, but by the leaders and favourites of the Irish people—if, above all, the overruling hand of a beneficent Providence shall have checked outrages and restored comparative security—I hope that the Government will not then consider it inconsistent with their duty, or derogatory to their dignity, to meet this improvement in a corresponding spirit, and dispense with the whole, or at least some of the harsher provisions of the Bill. If it should be otherwise, I can only bow to the stern necessity; but at the same time, I am convinced there is a better way than that which you propose for the permanent government of Ireland. In the very first speech I ever made in Parliament—I am sorry I can refer to no higher authority—but in that speech, which I made on the occasion of seconding the repeal of the Catholic Disabilities Bill, I said, "We have made England great and glorious—it should now be our study to make Ireland happy." Since that period, the glory of England has gone on increasing; never, I believe, has that glory culminated to a higher point than it has reached at this moment; but all parties will agree with me in saying that still much remains to be done in order to make Ireland happy.

MR. P. SCROPE: I must own, Sir, that I deeply regret the party and political tone that has been given to this debate by the speeches of several hon. Members on both sides of the House—a tone for which certainly neither the right hon. Baronet who introduced the measure, nor the hon. and learned Member who proposed the Amendment, are at all responsible. Both these hon. Members declared their opinion—an opinion in which I strongly concur—that the horrible crimes, the occurrence of which in Ireland forms the ground of the measure proposed to us, are totally unconnected with either political or religious feelings, and consequently with party politics. I, Sir, myself, have always been convinced that politics had nothing to do with agrarian offences; and when the former Coercion Bills of 1833 and 1834 were introduced, and the Marquess Wellesley's despatch asserted the connexion of agrarian outrage and political agitation, I declared my dissent from that doctrine, and my belief that the system of agrarian intimidation had its rise exclusively in social and physical, not at all in political grievances. Sir, Ireland has her political and religious grievances, and no one feels more strongly on them than myself, or has more uniformly voted for their removal. But so far from politics, or religion, and political agitation having anything to do with agrarian outrage, I am certain that none have more earnestly and successfully laboured to check and put down agrarian outrages than the chiefs of the political and religious agitations of the last twenty years. No, Sir, the agrarian system has a different origin and object from these agitations. It arises, as has been so fully proved, if not before, yet the other night at least, by the hon. and learned Member for Cork, from the physical misery, the dread of destitution, the repugnance to quit the bit of land on which they live, of the Irish peasantry. It is to this, the worst social evils of Ireland, the real subject we have to deal with, that I wish to recall the consideration of the House from the party topics that have occupied a large part of the debate. If the dismissal of Repeal magistrates, or the want of a better franchise, Parliamentary or municipal, or Protestant ascendancy, have nothing whatever to do with agrarian crime, let us not introduce these irritating subjects into a debate which, from the serious and awful nature of its subject—the prevention of murder and the saving of human life—ought to be conducted with calmness and sobriety, impartiality, I would say solemnity? I know that an Irish debate is not easily controlled. None have been more in the habit of employing such debates for party skirmishes than the hon. Members opposite; but I do hope there will be more wisdom, more prudence, more temper shown in the remainder of the debate, and that we shall really consider, in a fit tone and spirit, how to prevent murder and assassination. This is what the House is especially required to perform; and the state of things prevailing throughout Ireland, which has been justly painted in the evidence produced by the hon. and learned Gentleman (Mr. O'Connell) shows that it is imperatively demanded. True, that though the system of intimidation is general and constant, and has been so for these eighty years past, the actual outbreak of crime is occasional only and local, shifting from one part of the country to the other—frequent and permanent in Tipperary, rare in Ulster. But this fact is perfectly consistent with the universal and chronic character of the agrarian system of combination and intimidation throughout Ire-

land. The explanation is given you by the hon. Member himself. In Tipperary, there is a constant resistance to agrarian law on the part of the landlords, and the outrages are equally constant. In Tipperary, ejectments are the order of the day among landlords and agents—bullets and blunderbusses among the tenantry. In Ulster, on the contrary, the landlords submit quietly to the dictates of the agrarian law. It reigns there undisputed, triumphant over the law of the land, and, as a consequence, the landlord and agents are safe—the peasantry peaceful and industrious. Here you have the facts so strongly demonstrated as to defy mistake. Here you have the proof of what I have told you these twelve years past. Sir, the House could not fail to remark that the hon. Member for Cork took his proofs of the universal and chronic prevalence of outrage as connected with ejectment, and the dread of ejectment from land, not from the crimes of this year or the last, but from evidence produced in the years 1823 and 1824, 1832, and subsequent years. The Whiteboy system has been going on for these fifty years past; but increasing of late years with the increasing distress and misery of the people, with the increase of ejectments and clearances. It is in Clare one year, in Queen's County another, in Kilkenny the next, in Leitrim, Cavan, Monaghan, and other counties at other times. A clearance, like that which occurred the other day in Galway, of 270 persons, razing an entire village, is enough to cause the outbreak of the agrarian spirit throughout that county; a spirit dormant at the moment, perhaps, but always existing beneath the surface, in the intimate conviction of the peasantry that it is the only check on their extermination by the exercise of the powers with which the law arms their landlords. Yes, Sir, the agrarian combination is universal over Ireland, beneath the surface of society. You do do not see it at work outwardly everywhere. Where the people are allowed by their landlords to live, where ejectments do not take place, things are apparently quiet and peaceable. No outrages, or but few, take place—though some occur every year in Ireland, as I proved the other night, from the constabulary returns. But, under this apparent quiet and submission lurks ever the determined feeling of the peasantry in favour of the system of intimidation, to which they consider they are in a great degree indebted for the forbearance of their landlords, and how are we to account for this frightful anomaly. Here is a people of such warm sympathies, that they will share their last potato with one another, yet among whom murder is popular, assassination a claim on the public for support and shelter! Why, Sir, there is no problem of impossible solution to one who has probed human nature, and the motives to human actions. It is the very excess of their sympathies that leads the Irish peasantry to sanction these horrible crimes. The warmest heart is the most susceptible of being excited by passion, even to deeds of frenzy. Fancy an Irish peasant ejected from his hovel, which has sheltered him and his family for generations. His roof-tree thrown down upon him, the very walls levelled; his land taken away; he, his wife, his children, his aged father and mother driven out in hunger and wretchedness, without shelter on the cold road, to die of fever or famine in the ditches, or to die by inches in some hovel in a town, like the wretches described by Dr. Doyle—why, the warmer this man's feelings, the more likely he is to fly to the wild justice of revenge, being debarred every other resource by your law. Let me quote to the House the very striking story told by one of the Commissioners of Poor Inquiry of 1836, which of itself tells the whole tale of the cause and motive of agrarian crime:—

"Two of the Commissioners had a conversation near Cashel with a man who had been turned out of his farm for getting into arrear, owing to an exorbitant rent. We said, 'The farm was still unlet.' He said, 'Of course, no one dare take it until they get my goodwill of it.' The Commissioners then asked him, 'What feeling he would entertain against any man who should take it?' His reply was, 'To be sure I should have a bad feeling to him—and why should I not? The devil a much of bread he would eat after it any way, as I would die to have his life, or that of any one like him, that would step in to take the bread out of my wife's and children's mouths.' They then asked him, 'With what feelings would the peasantry look on the family of a man who was hanged for murder under such circumstances?' His reply was, 'Why his wife and family would be regarded; and why not? I would take the bit out of my own mouth, and my wife's and children's, before I would see his poor things want it, because, did'nt he die in the cause, and lose his life for the good of the people? And I'll tell you what's more, gentlemen, that though the people may fault and abuse the Whitefeet, and boys that go round at night with the black faces, that only for them the whole country would be in a rising—the poor would have no protection at all. The landlords would hunt them out like rats from a cornstack, without any mercy, only they know the ground would be left on their hands, as any man that would take it knows his

fate. And sure, if in doing that any boy should suffer (*i. e.* be hanged), why should we not succour the poor things left behind him? Sure, was it not to protect the like of us from being turned adrift on the wide world that that came to pass?"

Well, then, I ask, will you direct your remedies to the real cause of these frightful evils? You ask me to vote for a Coercion Bill—a strait waistcoat for the patient whom your unjust laws have driven to the madness of despair. First, let me see if you have tried in vain milder measures, remedies adapted to cure the patient's complaint, not merely to restrain or punish his violence. Have you done so? Or can I trust you to do so now, if I arm you with this severe measure of repression? This is the question I have to consider. Sir, on the occasion of the passing of former Coercion Bills, I resisted them on the ground that they were not the right remedy. Years ago, I moved resolutions to this effect, as an amendment to the Coercion Bills of 1834 and 1835. Has the lapse of this long time shown that I was wrong? Has it shown that others were right in entrusting the Government with rigorous laws for repressing outrage, without previously insisting on their being accompanied by remedial measures? Sir, time, I think, and events have sufficiently proved that I was right then; and after that experience of twelve years I feel doubly justified now in refusing still on the same, indeed on still stronger grounds, to arm you with extraordinary powers, before you give me any reason to believe you are going to accompany your rigour with proper remedies. True, every post brings accounts of outrages in Ireland; but, side by side, in the columns of the same paper, you see reported equally horrible cases of clearance and eviction. There they stand, side by side—the cause and the effect. In one column the tyranny of landlords—the retaliation of the peasantry in the next. And what do you do? You apply a strong coercive measure to the effect, and neglect, or at least delay, producing one for the cause. Let me see your receipt for the latter, before I vote for the former. I very much fear your dose is to be aquafortis for the peasant; milk and water for the landlord. Why, Sir, what have I heard in the course of this debate to prove to me that the Government understand the nature of the disorder, or the fitting remedy? Did I not hear the right hon. the Secretary at War call this Bill—this Coercion Bill—an attempt to eradicate the evil. I took down his words at the time. Good God! Sir, this a measure going to the root of the evil, and rooting it out. But he added that the Government had some Landlord and Tenant Bill in preparation. But what will it be? Some impracticable delusion like that of Lord Stanley last year, only holding the word of promise to the ear to break it to the hope. Why, the right hon. Secretary himself said, the Government measures, whatever they are, will take a generation to cure the evil, and produce their effect. Oh, Sir, that mode of cure won't do. The cure is required to be prompt, immediate, bold, decisive. No little, petty, coaxing, tinkering, wheedling measure will do. No more "vulgar expedients" of paying a little money for temporary employment to create a temporary lull. If you talk of slow and gradual cures, then it is a proof that you are ignorant of the nature, the deep-rooted, widely-spread, universal, and terrific character of the evil. You are sitting placidly in Downing-street on the apex of a volcano. Frozen snow about you—your heads in the clouds. But far beneath, at the foundation of the social superstructure of Ireland, is a mass of molten fire, boiling, swelling, and bursting for an issue—of which these terrible agrarian crimes are but the mere breaking of the bubbles in the cauldron beneath. If you delay long, be sure you will witness an awful explosion, such as will uproot society in Ireland from its base, and leave in its place an abyss of unfathomable horror. I attempted to prove to you the other night that your law neither protected the lives nor the property of the peasantry, and that the agrarian law which they have instituted for their own protection does both. Every word of the hon. Member for Cork's eloquent speech—all the evidence he adduced—proved my assertion. As to life, who doubts that but for the agrarian intimidation—but for the fear of the midnight legislators—many more landlords would act like Mr. Gerrard, and the entire peasantry of whole counties would be swept off the land on which they have multiplied too fast for the interest of the proprietor? You do not protect their lives, for you give them no resource, no certain refuge, no security against death by want. As for the property of the Irish peasant, without speaking of the buildings and improvements for which you allow no compensation on quitting—look only to the tenant right—a right which, though most pre-

valent in Ulster, does prevail more or less in every county of Ireland. The cultivated land of Ireland is 14,000,000 acres, upon which the tenant right, unprotected by law, is worth, perhaps, 100,000,000*l.*—the property of the poor tenantry of Ireland, all which is wholly unprotected by law—by that law which makes every clod of the landlord's acres a sacred inalienable property, to be defended by all your civic and military authorities. Here is an injustice to remedy. What will you do to meet this? Will you adopt some milk and water proposal which shall respect the merest iota of the landlord's claim? From the unjust legislation of past Parliaments, I fear this is all you contemplate doing; if so, take care by delaying redress you do not bring on some revolution, which, like that of France, caused in like manner by oppression of the peasantry, shall bring about a state of things in which, after a few years, every peasant is become owner of the land he tills. Look, too, to what has also occurred in Prussia, and the Russian provinces of the Baltic, where by one stroke of the pen the rulers of those countries found it necessary to give to the peasantry the fee-simple of the lands they held before at the mere will of their lords. Even in this country a similar revolution took place in early ages, though that was gradually effected by the judgments of the law courts uniformly favouring the rights of the tenant, and construing a forbearance of claim to the part of the lord into a concession of right and title on the copyhold tenant (as a perpetual waiver of his own rights and tolls). Some bold measure of this kind you must adopt; no palliation will cure the evil. But, as I told you the other day, the first and most essential remedy of all is, to give to the poor Irish a security for their existence, a resource in extreme destitution, a right to be relieved when in danger of perishing through want. This only can disarm the assassin of his present plea, the dread of starvation. You refused me that the other night; but I will over and over again pursue you with the demand. Fifteen years since, I began the agitation for an Irish Poor Law. In 1833, I printed an address to the Legislature on the subject, in which, after producing the same mass of evidence which was read the other night by the hon. and learned Member for Cork—the very same, and deducing the same conclusion from it of the general adhesion of the Irish peasantry to the agrarian system as the only means in their power to protect themselves from extermination, I added these words—

"Yet is it still dreamed of that coercion and courts martial, more insurrection acts, and the entrusting further unconstitutional powers to Government, will put down this organized resistance of an entire people to the law by which they feel themselves oppressed, not protected? Why even if it were possible, by camping a regiment in every field, and a park of artillery in every village, to repress all demonstration of this feeling, would this be the rational, the wise, the statesmanlike, the honest, the humane, the just course to adopt? You cannot, if you would, succeed in this. You cannot enable the landlords of Ireland to exterminate their peasantry with ease and impunity. I thank God, who planted in the human heart the spirit which revolts against oppression when carried to extremity, that you cannot. The millions are too strong for you. And it only remains for you to choose whether you will let the present state of things continue yet a little longer, till some casual spark create the explosion for which all is so rife, and Ireland be lost to Britain by civil war and foreign attachment; or, warned by the fearful presages of these critical times, you will step in (I speak to the Government and Legislature of the United Kingdom) to pour oil on the troubled surface of Irish society, and, by one act of bare justice to the long trampled peasantry of Ireland, rescue them from the necessity in which they are now placed of vindicating their own wrongs and protecting their own rights—and reconcile them to the law and the Imperial Legislature, by making them feel its beneficial support. Call it not a poor law, call it an employment law, or any other name that may be more to your taste; but as the only means of saving Ireland, and putting down its agrarian warfare, some law must be passed, securing a subsistance to the Irish peasant in return for his honest industry—offering him, either land on which he may live, or work and wages, whereby he may live. He asks but this:—

"He asks a brother of the earth
To give him leave to toil."

Less than this he cannot ask. Refuse this, and you must continue to wage an endless and perilous warfare with him—a war to the knife. He fights for his existence?"

Sir, I wish to put the question which is really before the House in the simplest and plainest terms. You declare these agrarian crimes to be horrible—a disgrace to humanity and to civilization—and you are desirous of doing all in your power to put an end to them. You have admitted that they arise from the dread of destitution, of being turned out of the holding or the employment which is the only means of existence of the Irish peasant—without which he perishes. I ask you, then, will you or will you not remove that which you acknowledge to be the cause of these crimes, by securing to every Irishman the means of living, by guaranteeing him against perishing from destitution, by af-

fording him by law the means of living on the land of his birth? Do not say you cannot, because himself, the peasant, knows the contrary. He will confute you in a moment. He will say, only give me leave to cultivate four or five acres of the next bog or mountain on my own account—give it me in fee—make it my own, without any expectation of increased rent the moment I make it productive, and I will be your submissive slave; or only give me employment by which I can earn my bare livelihood on the coarsest and meanest fare, you shall never have to complain of my turbulence again. Do not say there is no room for the people of Ireland on the land in Ireland. Do not say there are not the means of employing them profitably I will show you the contrary, to-morrow, in producing a measure for the reclamation of the waste lands in Ireland. But it is notorious that you have four millions of waste lands not yet touched by the spade, and fourteen millions of land not yet half drained, or half cultivated. I say there is room in Ireland for the profitable employment of many more than her present population; and such being the fact, you are not justified in giving a monopoly of that soil to a few individuals, and taking no steps for securing the means of living to the mass of her inhabitants. But without at present urging any particular measures, which I may think most expedient to meet the evil you have now to contend with, I ask what will you do? Will you really allow Ireland to be ruled by midnight legislators, and the life and property of the mass of the people protected by an agrarian system, maintained by crime, by violence, by assassination? Will you continue to force the Irish peasantry to maintain this horrible system, as their only protection against extermination? or will you give them another resource in the protection of the law? Will you, when the real state of things has been openly, nakedly laid before you, and admitted as it cannot but be, by you—will you so far abdicate the first functions of a Government? If so, on your heads be the responsibility of future mischief. I repeat, I see no difficulty in the immediate creation of confidence in the law. Only let the law offer some means of living to the peasantry of Ireland; and that would be no untried experiment, but that mode of cure which the wise statesmen of the time of Elizabeth adopted under very similar circumstances in England, and which has had complete success. I say, under very similar circumstances; for it is well known that previous to that enactment England was disturbed by outrages and insecurity just as Ireland is now; and Elizabeth's predecessor, her father Henry, tried to put them down as you are doing by severity. He is said to have hanged 90,000 persons in his reign as rogues and vagabonds—all of them in vain. So far from thinking that no remedial measure would operate to restore confidence and win the respect and attachment of the present generation to the law, I believe firmly that within six months of your completing a system of poor law and public employment, such as I proposed the other night, and thus guaranteeing a means of living honestly to every Irish peasant, from that moment you will have won him from all illegal association, from all sympathy with crime; nay, more, from all participation in political agitation. Give him, it is all he asks, give him leave to toil for his poor maintenance in some shape or other, he cares not what—only save him from fever and starvation, and the dread of it for himself, his wife, and his little ones. Do this, and I stake my existence there will not be a more docile, more grateful, more peaceful, more easily governed people on the face of the earth than the Irish, if but secured in the means of existence. For these reasons, Sir, I cannot consent to the first reading of this coercive measure, which if it succeed at all, will only skim over the surface of the evil, without in any way checking its growth or future development.

Lord G. BENTINCK rose and said: I can assure the hon. Member who I perceive has quitted his seat (Mr. D. Browne) that I do not at all sympathize with the perpetrators of those crimes committed in England, of which he has detailed so long a catalogue to the House. But I must, notwithstanding, observe that there is this difference between crimes committed in England, and crimes committed in Ireland, that in England, when a crime is committed, the sympathy of the people does not go along with the criminal; whilst the crime against the commission of which we are now called upon to provide, is of a nature with which the people of Ireland—the population, at least, of five counties—have shown too great sympathy. It was because of the difficulty of detecting the authors of these crimes, and the difficulty of bringing them to justice, that Her Majesty, in Her Speech from the Throne,

told us she had observed with deep regret the very frequent instances in which the crime of deliberate assassination has been of late committed in Ireland; and called upon us to consider whether measures might not be devised calculated to give increased protection to life, and to bring to justice the perpetrators of such dreadful crimes. It is because of these things, Sir, that I am prepared to support at least the first reading of a Bill which I freely admit to be most unconstitutional in itself. It is because I see in a measure such as this, mercy not only to the landlord—to the magistrate—to the tenant—but to the whole peasantry of Ireland, that I am prepared to support it. Sir, when we are charged (I myself in particular) by the hon. Member who spoke second in the debate on Friday night (Mr. Osborne), with coming down to this House with superficial information, and statements gathered from two or three slips of newspapers, I beg leave, in answer, to refer to the Speech from the Throne; and I may refer also to the unanimity of this House in the Address in reply to that Speech, in which the Commons of England, with one accord, humbly assured Her Majesty that they, as well as Her Majesty, had observed with deep regret the frequent commission of the crime of deliberate assassination in Ireland, and promised, in obedience to that command, to see if some measure might not be devised for its prevention. In short, Sir, in that Address we promised to give our consideration to a measure of this description. I, therefore, conceive that the honour and faith of this House are pledged to give, at least, a first reading to some such Bill as the present. I do not for one consider, and I think the same sentiment is shared by those hon. Gentlemen who sit near me, that by assenting to the first reading we are in any way bound to support all the clauses and details. But when the hon. Gentleman the Member for Wycombe charges us—charges me, and those that sit around me, that we should not have been so anxious to support this measure if it were not for considerations connected with the Corn Laws, I think I might appeal from the hon. Gentleman to the House generally, that we, at least, are consistent in supporting this measure; I, at least, during my entire Parliamentary career, have on all occasions given my support to such measures whenever the Government of the country, finding them necessary, has called upon me to so. Sir, I supported the measure introduced by Lord Grey's Government in 1833—a measure similar in many respects to that now under the attention of the House. And whilst the measure which I then supported was stronger than the present, I take leave to say that, in my opinion, it was more effectual for the purpose it was intended to accomplish, than the present. Sir, I believe that that measure, which was introduced on the 29th of January, passed both Houses, and had received the Royal Assent before the 1st of April, so that I must say there is no ground for the assertion that the present measure has been hurried or forced on, since it was announced from the Throne on the 22nd of January, and has not yet on the 6th of April been read a first time. Sir, I shall not again shock the feelings of this House by entering into a detail of those crimes which the right hon. Gentleman the Secretary of State for the Home Department detailed to this House, and to which I myself, on a former occasion, referred; but, Sir, I think when we see all the great leaders of the Whig party supporting this measure elsewhere, we cannot be justly impugned for doing as they do. My noble Friend the Member for the West Riding of Yorkshire (Lord Morpeth) has referred to other remedial measures which he thinks should be introduced for Ireland—he referred to a measure for the extension of the municipal franchise and the extension of the Parliamentary franchise to that country; and he expressed his desire to see those franchises put on the same footing with the franchises in England. For myself, Sir, I confess I cannot see in what way the extension of political franchise of any description in Ireland would afford a remedy for the evils which this measure aims to suppress. But when my noble Friend refers to other matters, and says that he thinks the relation between Irish property and Irish poverty requires some new arrangement, I cordially concur with my noble Friend. When I see that Ireland, with a population exceeding 8,000,000—the poorest in the world, receives relief but to the amount of 250,000*l.* annually; whilst in England and Wales, with a population of 16,000,000, 5,000,000*l.* sterling is expended in the same object, I most cordially concur with my noble Friend in this, that the relation between Irish property and Irish poverty requires some new arrangement, whereby some better provision might be made for the people of Ireland. I think, Sir, it is impossible not to perceive that there is a connection between agra-

rian outrage and the poverty of the people. There is also another point immediately connected with this subject to which I must refer. I allude, Sir, to the system of absenteeism. I cannot disguise from myself the conviction that many of the evils of Ireland arise from the system of receiving rents by absentee landlords, who spend them in other countries. I am well aware that in holding this doctrine, I am not subscribing to the creed of political economists. I am well aware that Messrs. Senior and M'Culloch hold, that it makes no difference whether the Irish landlord spends his rents in Dublin, on his Irish estates, in London, in Bath, or elsewhere. I profess, Sir, I cannot understand that theory. I believe that the first ingredient in the happiness of a people is, that the gentry should reside on their native soil, and spend their rents amongst those from whom they receive them. I cannot help expressing a wish that some arrangement may be made connected with the levying of the poor rate in Ireland, by which absentee landlords may be made to contribute in something like a fair proportion to the wants of the poor in the district in which they ought to reside. There is an arrangement in the hop-growing districts in England in respect to tithe, which might, I think, afford a very useful suggestion. There are two tithes: the one, the ordinary tithe, the other, the extraordinary tithe, which is levied only so long as the land is cultivated in hops. I think if there were two poor rates introduced into Ireland, the one applying to all occupiers of land, and the other to all those who did not spend a certain portion of the year on some portion of their estates in Ireland, it would prove useful. I think that by thus appealing to their interests it might induce the absentee landlords to reside much more in Ireland than is now unfortunately the case. Sir, I think there are other remedial measures. Some days ago the right hon. Baronet the Secretary of State for the Home Department told the hon. Member for Stroud (Mr. Poulett Scrope), when he suggested some such measure, that he was treading on dangerous ground, and that the doctrines he was advocating might be written in letters of blood in Ireland; but, notwithstanding all this, I will still say, that I think measures might be introduced for improving the relations between landlords and tenants in Ireland. I do think that some guarantee might and ought to be given to the tenantry of Ireland for the improvements they make upon their farms. Sir, my right hon. Friend, in bringing this measure under the notice of this House, maintained a doctrine which I think much more likely to be written in letters of blood, for he bound up the question of the Corn Laws with the present one. He said, that unless he could have prevailed on his Colleagues to accede to his free-trade measure as regards corn, he would not have introduced this Bill. Why, Sir, far from giving food to the people of Ireland, in my opinion, the free-trade measures of Her Majesty's Ministers will take away from the people of Ireland their food, by destroying the profits of their only manufacture—the manufacture of corn—and injuring their agriculture; depriving them of employment; in fact, by taking from them the very means of procuring subsistence. Sir, I cannot see how the repeal of those laws affecting corn can be in any way connected with the suppression of outrages and the protection of life in Ireland. What is this but to say that, unless we have a free trade in corn, we must be prepared to concede a free trade in agrarian outrage—a free trade in maiming and houghing cattle—a free trade in incendiarism—a free trade in the burning and sacking of houses—a free trade in midnight murder and in noonday assassination. What is this but telling the people of Ireland that assassination, murder, incendiarism, and all these shocking crimes, are of such light consideration in the eye of the Secretary of State for the Home Department, that the sanction of them, or their suppression by the Minister of the Crown, hinges upon the condition of the corn market, and the difference of price in potatoes. But, Sir, what has the potato disease to do with the outrages in Ireland? Some hon. Members think a great deal. I have taken the trouble of looking into this matter. I have examined into the state of crime in at least five counties—Tipperary, Roscommon, Limerick, Leitrim, and Clare—and I find that, during the three months prior to the first appearance of the potato disease, and when, in fact, food was as cheap in Ireland as almost at any former period—when plenty abounded in all quarters of the Empire—that the amount of crime exceeded that in the three months immediately following. Now, those hon. Gentlemen who doubt this statement will have an opportunity of ascertaining the correctness of my figures, for I will not deal in general assertions. Well then, Sir, I find in the three months, May, June, and July last

year, that the number of crimes committed in the five counties I have mentioned amounted to no less than 1,180; whilst in the three months immediately after the potato disease, or famine, as it is called, the amount of crime committed in the same three counties was not 1,180, but 807. I should like to know, therefore, what this agrarian outrage has to do with the potato famine—and where is the justification for a Minister coming down to this House and declaring that unless we pass a free-trade measure we are not to obey Her Majesty's commands, by passing a measure for the protection of life in Ireland. Why, Sir, I think that when this language goes forth to the people of Ireland—going, too, as it does from the Treasury bench—coming as it does, above all, from the Secretary of State for the Home Department—there is, indeed, danger to be apprehended that such a doctrine may be written in letters of blood in that country. Why, Sir, if we are to hear such language as this from that Minister of the Crown charged with the peace of the country, we may just as well have Captain Rock established as Lord Lieutenant in the Castle of Dublin, a Whiteboy for Chief Secretary, and Molly Maguire herself installed at Whitehall as Secretary of State for the Home Department. I say again, Sir, it will be a mercy, not merely to the gentry, landlords, and tenantry of Ireland, that such a measure as this should pass into law, but to the peasantry of that country; and I, therefore, support the Ministers. If we look to the effects of the measure of 1833, we shall find every reason, in the success of that measure, to be sanguine of good results from this. When the Arms Bill of Lord Grey was passed, the county of Kilkenny was proclaimed: the result was, that crime, which, in the year before its introduction, amounted in that county to 1,470, fell, upon the very year of its introduction, to 331. I do assure those who may think to the contrary, that crime was then reduced considerably in amount. And I do most fully assure the hon. Member that no one can regard Ireland with greater compassion than myself. Yes; I do assure hon. Members that such is my real feeling towards that country. I have been taunted, that when I should be made Chief Secretary for Ireland, I should perhaps then learn that Tyrone was an Orange county. Sir, in answer to that taunt, I must take leave to ask what expression of mine ever made, either in this House or out of it, justifies any such remark? When, or where, can it be said, that I have ever permitted myself to know any distinction between an Orangeman and a Catholic?—when, in the whole course of my Parliamentary career, have I ever given a vote or uttered a sentiment hostile or unfriendly to the Roman Catholics either of England or Ireland? I think, Sir, when I find men like Sir David Roche cannot refuse to eject the widow of a deceased tenant, whilst the corpse of her husband is yet lying unburied in the house, in order to instal, to the unhappy widow's prejudice, the unfeeling and covetous brother of the deceased in the vacant farm, without being shot at for his humanity—when I am told that the best landlords in Ireland are not safe—when I find that the best resident landlords in that country are molested—when I find that men whose names should be a guarantee for peace and security to themselves in all parts of Ireland are outraged—when I hear that men whose own conduct, as well as that of all the members of their families, has been renowned for love and attachment to the peasantry of Ireland, are not safe—when I hear that such a man as the hon. Member for Meath (Mr. Grattan) cannot ride unarmed over his own estate—and when I hear it said that the same hon. Member has rejoiced that no ornamental timber, behind which an assassin might stand from whence to take his deadly aim, flourished on his domain—I do say, that, though I pity the condition of the country, that nevertheless such condition calls aloud for the interference of the Legislature. Sir, with regard to like measures in former times introduced into this House: having seen results flow from them producing peace to the country and reducing crime, I would fain hope for similar results now. In the county of Kilkenny, when the Arms Bill was introduced some years since, having seen that the good effect was immediate, and that offences against the peace of society at once diminished, I support this Bill, not deeming that we are aiding the introduction of a measure tyrannical in itself, or believing that we are supporting a proposition calculated to prove injurious to any portion of the people of Ireland; considering in our consciences that in order to secure improvement of every kind to that country—in order that the hand of industry may not be paralysed by the hand of the assassin, we think some adequate remedy must be applied; and these, Sir,

are the reasons why my friends around me —with me—desire to give their assent to the first reading of the Bill which is now before the House.

Mr. J. O'BRIEN moved that the debate be adjourned.

The House divided—Ayes 74: Noes 120; Majority 46.

List of the Ayes.

Aglionby, H. A.
Allix, J. P.
Arkwright, G.
Armstrong, Sir A.
Baine, W.
Bennet, P.
Bentinck, Lord G.
Beresford, Major
Blake, M. J.
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Browne, R. D.
Buller, Sir J. Y.
Carew, hon. R. S.
Cavendish, hon. C. C.
Chapman, B.
Christie, W. D.
Colebrooke, Sir T. E.
Collett, J.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T.
Dick, Q.
Disraeli, B.
Duncan, G.
Dundas, D.
Esmonde, Sir T.
Evans, Sir De Lacy
Finch, G.
Fitzgerald, R. A.
Fleetwood, Sir P. H.
Fox, S. L.
Fuller, A. E.
Gore, hon. R.
Grattan, H.
Hall, Sir B.
Halsey, T. P.
Hawes, B.
Hill, Lord E.
Hindley, C.
Jolliffe, Sir W. G. H.
Kelly, J.
Lennox, Lord G. H. G.
M'Carthy, A.
M'Donnell, J. M.
Maher, N.
Maxwell, hon. J. P.
Morris, D.
Napier, Sir C.
Newdegate, C. N.
Norreys, Sir D. J.
O'Brien, T.
O'Connell, J.
O'Conor Don
Plumridge, Capt.
Powell, C.
Power, J.
Protheroe, E.
Rawdon, Col.
Repton, G. W. J.
Ross, D. R.
Scrope, G. P.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, Sir W. M.
Tancred, H. W.
Tyrrell, Sir J. T.
Wakley, T.
Ward, H. G.
Williams, W.
Wodehouse, E.
Wyse, T.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.
O'Brien, J.
O'Brien, W. S.

List of the Noes.

Acland, T. D.
A'Court, Capt.
Ainsworth, P.
Antrobus, E.
Astell, W.
Attwood, J.
Austen, Col.
Baillie, Col.
Baldwin, B.
Barkly, H.
Baring, rt. hon. F. T.
Baring, T.
Baring, rt. hon. W. B.
Baskerville, T. B. M.
Beckett, W.
Benbow, J.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bowles, Admiral
Bramston, T. W.
Broadwood, H.
Bruce, Lord E.
Buckley, E.
Cardwell, E.
Carew, W. H. P.
Chichester, Lord J. L.
Cholmondeley, hon. H.
Chute, W. L. W.
Clerk, rt. hon. Sir G.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, rt. hon. H.
Cowper, hon. W. F.
Davies, D. A. S.
Denison, J. E.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, Sir H.
Duckworth, Sir J. T. B.
Dugdale, W. S.
Duke, Sir J.
Dundas, Adm.
Egerton, W. T.
Ellice, rt. hon. E.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Fitzroy, hon. H.
Flower, Sir J.
Frewen, C. H.
Gill, T.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grogan, E.
Hamilton, J. H.
Hamilton, W. J.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir W.
Herbert, rt. hon. S.
Hervey, Lord A.
Holmes, hn. W. A'Court
Hope, G. W.
Horsman, E.
Hotham, Lord
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Jones, Capt.
Kelly, Sir F.
Labouchere, rt. hon. H.
Lawson, A.
Lockhart, W.
Lowther, Sir J. H.
Lygon, hon. Gen.
Mackenzie, T.
M'Neill, D.
Mahon, Visct.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Milnes, R. M.
Morpeth, Visct.
Munday, E. M.
Neville, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Reid, Col.
Round, J.
Russell, C.
Sanderson, R.
Seymer, H. K.
Shelburne, Earl of
Sheppard, T.
Shirley, E. J.
Smythe, hon. G.
Somerset, Lord G.
Spooner, R.
Stanton, W. H.
Strutt, E.
Sutton, hon. H. M.
Taylor, J. A.
Thesiger, Sir F.
Thornely, T.
Tollemache, J.
Trench, Sir F. W.
Trotter, J.
Vyse, R. H. R. H.
Warburton, H.
Wellesley, Lord C.
Wilde, Sir T.
Wortley, hon. J. S.

TELLERS.
Young, J.
Cripps,

On the Question being again put,

Mr. J. O'CONNELL moved that the debate be adjourned.

Sir R. PEEL said, that he saw that it was useless to persist; he therefore would consent to the adjournment. He would adjourn until to-morrow, and if it did not then come on he would then name the time to which it should be postponed.

Sir W. SOMERVILLE said, that he should make one more attempt to induce the Government to give way, and postpone the farther debate on this Bill until after the third reading of the Corn Importation Bill. It was quite clear, from the tone of the debate, that his hon. Friends around him would not relinquish their right to precedence on the Motion, for the sake of this Bill. They would not only postpone this Bill until after Easter, but also the Corn Bill; and if this Bill was passed immediately after Easter, his hon. Friends had equal power, if they chose to exercise it, of preventing its coming on on any but Government nights. The discussion might, therefore, last four, five, or six nights. The discussion on the Corn Bill must also

be put off, if the Government persisted in passing this Bill. The consequence would be that the measure on which the hearts of the people were fixed must be put off to an indefinite period. Suppose that the vacation lasted ten days, a week would afterwards be taken up with this Bill, and it even might take another week or ten days. He, therefore, should move that the debate should be adjourned for three weeks. Government would lose nothing by this; on the contrary, they would have the opportunity of carrying their other measures.

Sir R. PEEL had already stated that he should postpone the debate till next day, not in the hope, however, that he should be able to bring it on, but he then should be able to announce as to what day they should adjourn for the Easter holidays, and he would also state on what day this debate could he resumed. He trusted that the House would support him in what he proposed, in order that he might name a day after Easter on which to proceed with the debate. If the House chose to adopt the proposition of the hon. Baronet, be it so. He knew well the power of a minority in that House to protract the debate, but he was not resposible for the delay. He was willing to give every fair opportunity of discussion, but he would not give way to the proposition of the hon. Baronet.

Mr. ELLICE hoped that his hon. Friend would not persist in his Motion, but wait until to-morrow.

Sir W. SOMERVILLE did not think that his conduct called for the remarks of the right hon. Baronet. He denied that he had any wish to consume time in protracted debates. All that he wished was to save time. The right hon. Baronet said that to-morrow he would announce the course he meant to pursue. Now, he hoped that the right hon. Baronet would in the meantime, on reflection, adopt the course which he suggested. He would then withdraw his Amendment in conformity with the feeling of the House, and would bring it forward again to-morrow if he was not satisfied.—Amendment withdrawn.

Debate adjourned.

House in Committee of Supply.

House adjourned.

HOUSE OF LORDS,

Tuesday, April 7, 1846.

Minutes.] Public Bills.—1ª. Deodands Abolition; Death by Accidents Compensation.

Petition Presented. From several Incorporated Companies of Scotland, against the Burghs (Scotland) Bill.

RAILWAYS.

The Earl of DALHOUSIE presented to the House the Report of the Officers of the Railway Department for 1844 and 1845. He would take the opportunity, in rising to present that Report, to enter into the subject with reference to which his noble Friend (Lord Monteagle) had anticipated it would be his duty to offer some remarks and make some proposals that evening to their Lordships. He (the Earl of Dalhousie) had to offer some proposals that evening to their Lordships, with reference to railways; and he would have given notice for the occasion, but it was desirable that any proposition the Government had to make on the subject should be made forthwith, and before the adjournment of the House. He had to direct their Lordships' attention to the state of the Railway Bills now in progress before either House of Parliament, and the course it would be right for Parliament to adopt. It was hardly necessary for him to draw their Lordships' attention, even incidentally, to the state the country had been in during the last twelve months with respect to those Bills. Even at the close of 1844, the feverish state of the public with respect to those matters was great, and in the Session of 1845 there were pending in Parliament 248 Railway Bills. He believed it would be recollected that at that time they looked upon that number as something that was unprecedented and unmanageable; and Members of Parliament were ready to hold up their hands and thank their stars that it was impossible such a state of things should continue, or that such a number of Bills should be presented to Parliament again. But instead of that being the case, the speculation waxed more hot and furious every day during summer—it increased during the autumn—it spread to every class of the community, rich and poor, young and old; and he was almost ashamed to say, that one sex was as much engaged in it as the other. The practical result of all this was, as shown by the report of the Joint Stock Company's Registration officer, that there were, before the 31st of December, provisionally registered, he believed, upwards of 1,400 schemes: he would not attempt to state the amount of capital that was supposed to be involved in them, for that capital, he believed, had no existence. On the 30th of November, there were deposited with the Board of Trade upwards of 800 plans; on the 31st of December that number had in some slight degree diminished, but nearly 700 were deposited in the Private

Bill office. The attention of Government had been very early directed to this subject, with a view to make such arrangements, before the meeting of Parliament, as might guide Parliament towards some course to be adopted with reference to those undertakings. But it was not in the power of the Government to come down to Parliament at the commencement of the Session with any definite measure, inasmuch as the facts on which they should recommend such course to be adopted were not then ascertained. If the Government had come down at the commencement of the Session and said—"However desirable it may, under ordinary circumstances, be, that you should not interfere with the fair course of capital, still, looking to the unheard-of state of things that exists at present with reference to the capital proposed to be employed in railway undertakings, we (the Government) would advise you to restrict them," in some way as was now proposed to be done; the answer would have been, "How do you know what capital is to be expended on them? The test of the deposits is yet to come, and after that the test of the Standing Orders; and it may be that not one-third of the schemes will be brought under the consideration of Parliament." With a view as far as possible to save the time of Parliament, and also as a check upon the parties themselves, the right hon. Baronet at the head of the Government, at the commencement of the Session, moved for a Committee to inquire how they should dispose of the railway business in the present Session; and he (the Earl of Dalhousie) had moved for a similar Committee in that House. The Committee sat for several weeks. After deliberation on the subject, the Committee of the House of Commons came to the determination that it was not expedient either to select from those Bills during the present Session, or in any way to restrict the course of them. It was not for him to give an opinion upon that decision. He quite admitted—and he had on all occasions, both there and elsewhere, admitted—that it was unsound as a principle to interfere with the free course of capital, with respect to railways as any other business. At the same time, he thought a broad distinction was to be drawn, and which was drawn on the evening that he first brought this question under their consideration, by a noble and learned Lord that was not now in his place. It was a different thing to interfere with persons who proposed to dispose of their own capital without the interference of Parliament, and with persons who proposed to dispose of it after obtaining, and by means of obtaining, from Parliament extensive and, to many, objectionable powers for carrying their undertakings into effect. The Committees were of opinion that no restrictions should be imposed or selections made, and arrangements were made for dividing the business between the two Houses. Since that time public attention had been constantly directed to the subject, and much discussion had ensued. Recently, that public opinion and those discussions had assumed a substantial form: they had been brought under the consideration of Parliament, and under the notice of Her Majesty's Government by means of petitions to the Houses of Parliament, and memorials. Those documents represented, what he was certain was the entire truth, without a shadow of exaggeration, that great evils had resulted to all branches of trade, as well as to those concerns themselves. The prices of all materials of every description were likely to be greatly enhanced, not only to those undertakings themselves, but to other undertakings. The price of labour was likely to be greatly increased, and he (the Earl of Dalhousie) would be the last person to object to that if the increase were likely to be permanent; but as that increase was only of a temporary character created by peculiar circumstances, he thought it would tend, as it had tended, more to the injury than to the substantial good or improvement of the condition of the working classes. Further, by the great demand for money which now existed, and which was contemplated as likely to continue, all other branches of trade, even not connected with railway undertakings, were cramped in their operations in a way that severely affected their interests; and no one could doubt that this tightness in the money market was telling most severely upon the commercial community. It was not other trades alone that were affected by the present state of things, but the railway companies themselves were affected by it. It was a matter of notoriety, that not only those advancing towards the passing of their Bills would suffer, but also those already in existence and incorporated. Even the old established companies, who were already invested with full powers, who were already in full operation, found themselves, when desirous of increasing their influence and adding to their wealth by the construction of new branches to the old undertaking, encompassed with difficulties; and this was still more the case

with those companies who had very recently obtained powers, and were only just beginning to carry their projects into effect. They all found the greatest difficulty in obtaining any satisfactory answer to the calls which they made for the payment of the moneys for which the shareholders had made themselves responsible. In Ireland, as he had stated to their Lordships the other evening, matters were in a still worse state. He understood that already applications had been made to Her Majesty's Government, or, at any rate, that representations had been made from the two that might be fairly considered the best and most promising lines in Ireland, setting forth their desire to obtain assistance from Government to carry on their undertakings. One of these was the Waterford and Limerick Railway—a line which of all others the people of that country seemed interested in seeing successfully directed—a line represented to be a most valuable undertaking—valuable not alone in a commercial point of view, though in that most valuable—but as being strictly an Irish enterprise—originated by Irishmen, with a majority of Irish shareholders, having Irish capital, and having everything connected with it Irish. It was the same line which the Commission appointed in 1837 to inquire into that subject especially recommended; and yet that line was now almost at a standstill. The other railway to which he alluded was the one intended to connect the town of Newry with Enniskillen — that was in precisely the same condition as the Waterford and Limerick; and, so great had been the deterioration in the value of shares in that line, that many of the shareholders had sent in their shares and got rid of them at 2*s.* 6*d.* per share. Their Lordships were now engaged and would be engaged during the ensuing Session on Irish railway projects : many of these would be unopposed; many were making their way without difficulty or hindrance through Parliament. Her Majesty's Government desired that no impediment should be offered to the consideration of all such lines this Session, in the belief that the passing of these Bills would be a great boon to the people of Ireland, as likely to afford that employment which was so requisite under existing circumstances; and yet all these objects would be defeated by the evils which he had pointed out. Not only would the promoters of these particular schemes find their wishes frustrated, and their original calculations false; but it would be the means, by increasing the demand for money, of preventing established companies carrying their works into execution; and this last consideration was a most important one, so far as the question of giving employment was concerned, for the older companies were on the spot, prepared, if permitted, to commence, while the other newer lines could not for some time to come be in that condition. With respect to the general state of feeling throughout the country on that subject, he could not state anything stronger than what he had mentioned to their Lordships on a former occasion. As they knew, the progress of a Railway Bill through Parliament had always been watched with anxiety; had been the means of stimulating the hopes of those directly engaged in such a Bill, and the expectations of others desirous of being connected with it; consequently that invariably for that period the value of the stock had increased. But precisely the contrary was the fact now. Formerly, when a Bill was going through Committee, with so intense an interest was its fate awaited, that it was said expresses of every description were constantly sent off from the House of Commons to convey information to the Stock Exchange; and many of their Lordships might have heard, that it was no uncommon thing for carrier-pigeons to be let loose outside the doors of Parliament to wing their flight to the Exchange, in order to give a chance to some on or other to operate successfully, and with the advantage of early information, in railway schemes. But now he had been distinctly informed by parties whose information might be relied upon, and whose interests were affected by the results, that in this Session—so altered were the circumstances — just in proportion as railway schemes appeared to be favourably advancing through Parliament, and as they had a prospect of success, exactly in that proportion did the value of the stock fall in the market. In Scotland—in his own country—he knew that not only was this description of railway affairs correct, but it was also the fact that there was a most earnest desire on the part of all those engaged in these undertakings to free themselves from them—to disconnect themselves altogether, for the present, from railway enterprise. He had himself read that day in a Scotch paper of three—he knew of two—railways which had already passed through several of the stages in the House of Commons, which had gone through Committee, met with no

impediment, and floated unrestrainedly down the stream, but which, the very moment they had got through Committee, had had their subscribers called together in Scotland, with a view of inquiring how and when they could wind up their affairs, and into the mode by which they could put a stop to the undertaking. Well, now, that was the state of things; and the very palpable inquiry which would be made would be —if they did wish to get out of these schemes, to get disentangled from the after liabilities—if all these public benefits and private advantages would result from such a course—if that were so, why on earth did they not wind up? Why, the answer was, simply for this reason, that the law, as it at present stood, would not admit of such a proceeding—they could not wind up. Now, he might observe here—and it was unnecessary to enter into any arguments to justify the opinion—that though he agreed with those who hold it unwise for Parliament to interfere for the purpose of restricting the free course of capital towards any given undertaking; yet it was in no way objectionable—it was in fact, most desirable—that all parties might be furnished with the means of directing and restraining the flow of their own capital. He thought it would be most advantageous, that those who, having engaged in these concerns, subsequently saw good reasons to change their minds, and to desire to escape from the trammels with which they were surrounded, should have the opportunity afforded to them of repairing the error; and he was also of opinion, that as such persons were now applying to Parliament for facilities by which to enfranchise themselves, it was not only the policy, but it was also, strictly, the duty of Parliament, to offer every facility in its power for the effecting, in a legitimate manner, of that object. He would not go into the details of the laws by which such transactions were regulated. There was, it was true, in existence an Act giving powers for the winding up of the affairs of joint-stock companies; but that Act applied only to companies which had already obtained their corporate character. A railway company was called so commonly even before it got its Act; but it was no more, in reality, than a simple partnership; and it was not in the power of those who were of that partnership to free themselves, without the consent of every Member and every partner. It would, therefore, be manifest to their Lordships, that it was impossible, in these great concerns, in which hundreds or thousands of persons were engaged, that such a freedom as that he spoke of could in the ordinary way be obtained within any reasonable time, if it could be obtained at all. A case had been stated to him, which had also been mentioned elsewhere, of a railway company in this position:—they had subscribed a capital of 100,000*l.* which was deposited; they saw reason not to press their project, and they desired to wind up their affairs; and an opinion was taken to inquire if that were possible. Of the 100,000*l.* there had been spent about 10,000*l.*, and consequently there would have remained to be divided among the shareholders a sum of 90,000*l.*, which would have given them 2*l.* 5*s.* on the 2*l.* 10*s.* paid upon each share. The proposition was very generally agreed to; but it was objected to by a very few; and consequently it was found impossible to divide, or to come to the desired arrangement. It would be allowed to be undesirable that such a state of things should continue; and the law, as he was informed, required, not only that the absolute consent of every individual interested in this partnership should be obtained in winding up affairs, but even if there should be a determination at a general meeting of the proprietors to wind up—even if the affairs actually were wound up—if the deposits had been divided after the full discharge of the liabilities, still it would be in the power of one single Member who had withheld his consent, to require all the parties to replace those funds in the original state. Now, he said, that such a law was not solely impolitic—it was most unjust; and it had been determined to make some alteration. It was the intention of Her Majesty's Government, as early as possible after the Easter recess, to introduce a Bill, the object of which would be to enable railway companies who were now before Parliament, and had not obtained their corporate capacity, to wind up their affairs, with a view of putting an end to the undertaking to conduct which they were associated. He would as shortly as possible, and avoiding detail, lay before their Lordships this proposition, the principle upon which the Government desired to legislate as regarded railways, and the main objects to which their efforts would be directed. Her Majesty's Government proposed by a machinery to be provided, that means should be given to those who were the actual holders of stock in railway companies to call a meeting of the proprietors, and determine whether the affairs of that company should be

wound up or not: that that meeting should decide by a majority—the proportion of numbers probably being according to the number of shares possessed—whether the company should be wound up or not: if the proposition to dissolve should be negatived, the Bill, of course, was to be proceeded with: if the determination should be to wind up, then a certain machinery would be applied; an official assignee, probably, would act as trustee of the funds of that company to satisfy all the demands of the creditors on that fund; and, after every creditor should be satisfied, the remaining sum would be divided rateably among those who were entitled to a share of the deposits. If there should be a deficit, which was not likely to occur, but was a possible event, it was not proposed that there should be any exemption to the parties now by law liable for the payment of all the expenses that might be incurred. He (the Earl of Dalhousie) thought that under the operations of such a Bill, every facility would be given to companies who were desirous of winding up their affairs. But it was clear that a scheme of this nature required some time for formation, and that some little time must elapse before such a measure as that contemplated could pass; and in the mean time the railway measures before Parliament were proceeding and in progress through the two Houses. He believed that many of those measures were of the character he had described to their Lordships; many of the shareholders in many of these companies would have been desirous of such a machinery as would enable them to wind up their affairs; but inasmuch as the shareholders were at present devoid of all power to effect that object, those measures would — if some arrangement were not made — pass through Parliament before they could secure the operation of the Bill which they intended to introduce, or obtain for it the sanction of Parliament. To remedy this evil, he intended to propose a Resolution, "that if a petition shall be presented, signed by a majority of the holders of the shares in any given undertaking, praying Parliament to suspend the progress of that undertaking until such time as the measure giving facilities for the winding up of railway affairs shall have been adopted, then the progress of such undertaking shall be stayed accordingly." There were some few Bills which had already come from the other House up to their Lordships' House, and they would come under the operation of such a Resolution of that House; and those which had commenced in that House, and were going towards the other, with those in the other House, which had not passed through all the stages, would be equally affected by the Resolution of the other House. He had now detailed the broad outlines of the measure which he proposed to submit to their Lordships. The principle of the measure was, that facilities should be given to railway companies to wind up their affairs as soon as possible after a determination to that effect had been come to; that that power should be given to those actually interested in the funds of the company; that such a course should be decided upon only by a proportion of shareholders to be stated in the Bill; and at such determination ample security should be taken for the safe custody of the funds of the company, for the liquidation of every substantiated claim, and for the return of the residue to those possessing the right to receive it. There was also included the continuance of the liabilities of those who were now liable. And also with respect to Bills in progress through Parliament, and expected to be passed before the Bill he now described should have the consent of the Crown, and, consequently, before the shareholders could have an opportunity of availing themselves of the power which they now had not; a Resolution would be proposed, that, on a petition being presented, showing that a majority of those interested in the concern were desirous of availing themselves of the provisions of the proposed Bill, the progress of the particular Railway Bill should be stayed—not rejected—until such time as the required opportunity was available. As he had stated before, he thought it extremely desirable that the intentions of Government should be indicated previous to an adjournment for the Easter recess, principally in order that time should be saved, and likewise that the parties affected by the Bill might be enabled to consider the matter; that they might not be surprised; and that they might have the full opportunity of taking whatever preparatory step they might think proper. As soon after the Easter recess as possible, he would submit the Bill to their Lordships, and they would then be enabled to discuss its provisions in detail.

Lord MONTEAGLE expressed his satisfaction at the Government having at length become sensible of the propriety of taking some decisive step in this matter; but he was sorry that they had not adopted the requisite proceedings long ago, as he

feared that much injury had resulted from the delay that had taken place. Much injury had, he believed, resulted to persons interested in railways, and to the public generally, from the fact that shareholders appeared to be very generally ignorant of their right to petition Parliament praying the House to stay the progress of exceptionable Bills, or even to withhold their assent from such Bills altogether. He knew not to what this delusion was to be attributed, unless indeed it was to interested persons having the charge of Railway Bills, who might have used their exertions to keep the shareholders in the dark on this important question; their main object being that, no matter what might be the ultimate fate of such Bills, sufficient money might be subscribed on account to indemnify them for their expenses and other costs. The plan which the noble Earl proposed was one in the administration and carrying out of which much precaution would be necessary. The first indication of the necessity of some measure such as that which the Government was now about to pursue, had come from the portion of our countrymen generally considered the most shrewd and sensible above all others when their interests were in question—the people of Scotland. It was the North Britons who took the earliest alarm on this subject, and first represented the wisdom and good policy of affording to those who had perhaps been tempted to speculate incautiously, an opportunity for retracing their steps, and appealing to Parliament to annul or suspend the progress even of their own Bill. But great precaution would be required in carrying out such a plan as that contemplated by the noble Earl. For instance, in the case of competing companies, interested parties might seek to run down the credit of a particular railway, for the purpose of purchasing the shares at a very low discount, and then dividing the deposits, thus obtaining a large profit by the transaction. Such a proceeding as this was not unnatural; but it was knavish and discreditable in the last degree, and Government should take care to guard against it. Infinite mischief also had already, and probably would, continue to result from what already had been found a frequent source of evil—the system of permitting railway speculation on an insignificant scale, by allowing the capital to be raised in shares of a very small amount. This peddling description of speculation had been attended with most disastrous consequences. Government and the Legislature should retrace their steps in this respect; and while they gave encouragement to the *bonâ fide* investment of capital, they should take care to discountenance in the most marked manner the "little-go" system of speculation, which the humblest, and he had almost said the most destitute, classes, were enabled to traffic in. No one could be more averse than he to depriving the humble classes of the power and opportunity of investing their savings with security according to their limited means; but in matters of speculation those classes were not the most competent judges of what was likely to prove of advantage to them; and therefore into this field of adventure they should not be encouraged to enter. On the grounds of public morality, if for no other reason, he hoped that the Government would perceive the propriety of putting an end to a system which had been productive of that reckless and irrational practice of low gambling in railway speculations, the injurious effects of which were now so painfully felt in the stagnation of our commerce, and the paralyzation with which our banking and trading interests had been afflicted. The evils which were now experienced in so distressing a degree were assuredly to a certain extent to be ascribed to the neglect or inefficient conduct of the Government itself. Take as an example their conduct in relation to railroad deposits. The point for which he was now contending had been urged on the consideration of Government when the question was discussed of first compelling shareholders to pay in their deposits in money; subsequently of investing their deposits in stock; and finally, selling out that stock in order to commence the execution of their works. If the Government had at an earlier period taken this matter into consideration, and introduced some such measure respecting it as he was now happy to learn was in progress in the other House, much benefit would have long since resulted, and some portion at least of that derangement of the trading, commercial, and banking interests which they had now so deeply to deplore, would have been prevented. He concurred with the noble Earl in thinking that it would have been unwise and inexpedient for Government to have interfered with ordinary commercial speculation, or the legitimate flow of capital; but it was to him a matter of deep regret that they had not perceived the wisdom of adopting a course which that noble Earl had recommended as likely

to prevent great public inconvenience, and to promote much public good. He alluded to the system of classifying the application for railways. Surely nothing could have been easier for a Committee of their Lordships' House than to have reported that the public interests would be advanced by giving precedence in order of discussion to Railway No. 1 over Railway No. 2, and to No. 3 over No. 4. This it was thought could not have been advantageously done in their Lordships' House, because all the Railway Bills were not before their Lordships, but before the Commons. Still the plan was a rational and a just one; and if it had been successively and firmly urged by the Government in the lower House, the consequences to the trading and banking interests, and to the public generally, would have been most beneficial. He deeply regretted that the Government had not, at an earlier period of the Session, taken some such step as they now appeared to understand the necessity of adopting. With respect to the course of policy proposed by the noble Earl to be adopted at a future day, his objections to it were on account of its extreme vagueness and indistinctness. It merely rested on the noble Earl's speech: he introduced no Bill, he proposed no definite resolution; there was nothing tangible about it—nothing that could be considered—nothing that could be measured, though it affected an amount of property almost incalculable: all would be left vague and indistinct up to the time the proposed Bill itself should be introduced. It would have been well had the precaution been even taken of printing and publishing the Bill which it was intended to introduce after the Easter recess; for parties interested in railway matters would more clearly understand their position, and would have an opportunity of comprehending what were the intentions of Government in their behalf. The principle of the Bill, as far as he could understand it, he cordially approved of; but it was a matter of regret to him that the noble Earl had not been more distinct, more circumstantial and minute, in his statement of the policy intended to be adopted by the Government. The noble Earl made some general observations about the machinery of the plan that was intended to be adopted; but he did not enter into details or particulars, and it was to be feared that nothing but doubt and confusion would result from the vagueness and indistinctness of his proposition. He would respectfully urge his noble Friend to the consideration of this question, whether it would not be possible for him at once to give to the public *in extenso*, or at all events, in all its material parts, the plan which the Government intended to carry into effect. He had one suggestion to make, of which he thought the noble Lord would see the necessity. Care should be taken to limit the applications for dissolutions of companies by wise and salutary restrictions, so that such applications might in all cases be *bonâ fide* and legitimate. Abuses might otherwise arise. Thus, for instance, in the case of two rival and competing schemes, one might endeavour to obtain a certain interest in the other by buying up their shares; and having done this, they might endeavour to throw their affairs into confusion, in order that there might be a pretext for applying to Parliament by petition for a dissolution. Such an evil as this should be strictly guarded against; and care should be taken that what was designed as a remedial measure should not be converted into an instrument for harassing and annoying competing lines. He thought the measure should have been made to take effect from a certain day, namely, the day of the present declaration, in analogy to the effect given to a resolution for the reduction of a duty: such resolution took effect from the date of the passing the resolution. He considered a company that could not or did not propose to carry out its undertaking, was a great injury to the community. An unfinished railroad would be found one of the greatest nuisances that could be inflicted on the country. In 1824, when the tide of speculation was high, when the "bore" was running up the river, as rapidly as at the present time, many of the schemes were foreign ones; and the money embarked in the Columbia Pearl Fishery, or the Sandwich Islands Sandalwood Company, was simply lost and wasted. But in the case of an unfinished railroad, the agricultural districts would be left with a great dry ditch cut through the centre of the country, without rails, and without any possibility of completing the plan. Then in what a position would the landholders along the line be placed? For three years they would have the compulsory powers of the Act hanging over their heads, which might deprive them of the most valuable part of their estates. With respect to Bills now before Parliament, it was to be hoped that both Houses would perceive the necessity of suspending their further progress until

the measure which was in the contemplation of Government should have been introduced. Most assuredly he (Lord Monteagle) would not consent to the passing of any Bill, even through a single stage, until their Lordships should be in possession of the Government measure. There was another point in reference to which much care and caution would require to be used. The noble Earl proposed that Bills should be suspended in compliance with a petition signed by a majority of the shareholders; but here a difficulty arose: for how were their Lordships to know whether the proportion of shareholders signing the petition did in truth constitute the majority or stronger part of the company, either in respect of members or in respect to the amount of stock which they held; or how were they to be sure of either or both of these facts, first, that the signatures were authentic, and secondly, that the parties signing were indeed shareholders at the period of the presentation of the petition? These were all matters which should be taken seriously and carefully into consideration. One word more, and he had done. Allusion had been made by the noble Earl to the difficulty which some Irish railway companies had experienced in getting their capital paid up. This might perhaps be the case in some instances; but he denied that the rule held good in the case of all Irish railway enterprises. The rule was the other way. With respect to the majority of railways in Ireland, it was perfectly consistent with truth to allege of them that they were admirably conducted, and presented instances of as judicious, careful, and effective management as could be found in any country in the world. He might particularize the cases of the Dublin and Kingstown Railway, the Dublin and Drogheda Railway, and, as far as its operations had as yet extended, the Dublin and Cashel. Difficulty in obtaining capital for such enterprises might perhaps be felt to some extent just at the present moment in Ireland; but it was not experienced in a greater degree than in England, where it was well known that whereas money might be had in plenty at two and a half per cent last year, now some of the best established English railroads had found it difficult to raise a capital at five per cent.

Lord KINNAIRD did not attach blame to the Government for not having brought forward this question at an earlier period, but thought that considerable blame attached to them for not having interfered with the question of deposits. He thought, however, that it would have been better if the proposition of the Government had come two or three days earlier, because it would then have been more satisfactorily discussed. He begged to suggest whether it might not be possible to devise some expedient, even with the powers which their Lordships already possessed, to remedy, at least in a temporary manner, the evil now felt, and to prevent shareholders from being further involved in projects which they feared would prove far from profitable. There was already a Standing Order, that, in the case of companies already established seeking for fresh powers, the application could not be entertained unless it could be shown that it had been approved of by a majority of the shareholders at a special meeting. Now he suggested whether it might not be possible to introduce a Motion directing that, in the case of projected companies, when the question arose as to whether the Bill should be advanced a stage, it should be rendered imperative on the applicants to show that the assent of the shareholders had been obtained.

Lord WHARNCLIFFE concurred in the expediency of adopting some such measure as that proposed by the noble Earl, and he took this opportunity of expressing his satisfaction at the proposal that had been made. He, however, was of opinion that the Government should have taken this course at an earlier period of the Session, when they could have made a reasonable calculation of the amount of business they would have to deal with. He wished to ask the noble Earl, in the plan he proposed for preparing the way for those measures which he intended to bring before their Lordships, whether he proposed to effect his object, in respect to pending Railway Bills, by means of the Standing Orders Committee, or whether he merely intended to leave the question to be disposed of in the way he had stated—namely, by the presentation of petitions on the part of the shareholders? He thought it would be better upon the first day of their re-assembling after the recess, that some Standing Order should be agreed upon which would expressly declare, to all parties concerned, the conditions and mode by which they would be enabled to take advantage of the proposal of the noble Earl. There were five Bills now on their Lordships' Table waiting for a third reading. He trusted that no further progress would be made in respect to these Bills until this

question be settled. He also wished to ask whether the Government had considered the expediency of adopting some arrangement in respect to the Bills passed last Session, so as to render them all subject to any general rules that might be recommended by Parliament?

The EARL of DALHOUSIE said, that such a clause would be introduced as would bring all those Bills referred to by the noble Lord under the one arrangement, and no Bills would obtain the force of law until this clause was agreed to. In reply to the other question asked by the noble Lord, it was his intention to propose that in any Sessional Orders that might be agreed to, the condition and mode should be distinctly specified by which the different companies should be enabled to avail themselves of the proposal of the Government. He believed that a proposition would be made in the other House of Parliament to postpone the further progress of Railway Bills until the 27th or 29th of April. It was his intention, on the first day of their meeting after the recess, to submit a Resolution, the object of which would be, to make it a Sessional Order of the House that, in respect to those Railway Bills proceeding in their course through Parliament, the further progress of them should be stayed upon the presentation of petitions signed by a majority of the shareholders, containing a prayer to that effect. With respect to the charge that was made against Government for not having taken this course at an earlier period of the Session, he had again to state to their Lordships that during the months of September and October, the Members of the Government had repeatedly met together with a view of considering this subject. They did not think it right to restrict the investments to any particular amount; but it was generally agreed upon that a selection should be made of those schemes to which priority would be given in the consideration of them by the two Houses of Parliament. Great trouble was then taken in classifying the whole 800 schemes. They were classified according to the relative importance of each. It was true that this plan was never specifically submitted in the form of Resolutions to the Committee of the other House of Parliament. It was, however, perfectly well known. Although it would be most important to pass these Resolutions as rapidly as possible, yet the fullest opportunity would be afforded to noble Lords after the recess to discuss their merits in every particular.

The MARQUESS of LANSDOWNE said, he did not think that the noble Earl had distinctly stated what he meant to do in respect to the Bills on the Table of the House that were waiting for a third reading.

The EARL of DALHOUSIE said, that considering the other House intended to come to similar Resolutions, he had thought that this fact would be considered as a sufficient check on the progress of these Bills. On the first day of their re-assembling after the recess, it was his intention to propose a similar Resolution to that which he supposed would be this evening agreed to by the House of Commons, that no Railway Bill should be read a third time till the 27th April.

House adjourned to Tuesday, the 21st instant.

HOUSE OF COMMONS,

Tuesday, April 7, 1846.

MINUTES.] NEW WRIT. For Malton, *v.* John Walbanke Childers, Esq., Chiltern Hundreds.

PETITIONS PRESENTED. By Mr. Brotherton, from Members of the Methodist New Connexion of Lees, and by Viscount Ebrington, from the Parishes of Llanewstenyn, Eglwys-yn-Rhôs, for Prohibiting the Sale of Intoxicating Liquors on the Lord's Day.—By Mr. Cobden, from Secular Clergymen and Laymen of the Town of Stockport and its Vicinity, in favour of the Roman Catholic Relief Bill.—By Mr. Bright, from Individuals belonging to a Congregation, meeting at Dockhead Chapel, Bermondsey, for Repeal of the Corn Laws.—By Mr. Charles Buller, from Members of the Lancashire Central Short Time Committee, in favour of Limiting the Hours of Labour of Young Persons employed in Factories to Ten.—By Mr. Bright, from Manufacturers of Lace or Owners of Bobbin Net or Wash Lace Machinery, or otherwise interested in the Lace Trade, in the Town of Chesterfield, and Neighbourhood, against Lace Factories Bill.—By Mr. Fuller, from Ratepayers of the Parish of Twineham, and by Sir William Heathcote, from Ratepayers of the Parishes of Up-Nately and Tufton, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act and Lunatics Act.—By Mr. Charles Cavendish, from Inhabitants of the Town and Parish of Youghal, against the Protection of Life (Ireland) Bill.—By Sir Robert Peel, from Magistrates and Gentlemen of the County of Clare, in favour of the Protection of Life (Ireland) Bill.

RAILWAY BILLS.

LORD GRANVILLE SOMERSET, in rising to move the Resolution of which he had given notice, begged to say that he had somewhat altered it from its original form. With regard to the spirit by which he was actuated in bringing it forward, he should say that he wished to show neither favour nor affection to any party. In fact, he knew nothing whatever of the parties who would be affected by it. The great object was to give time and opportunity to such subscribers to railway companies as might be undecided regarding the course they ought to pursue, to consider whether

they would wish to carry out their original intentions, or stop short and dissolve the companies they had formed. He thought that subscribers should, under all the circumstances, be allowed time to consider the best course to be adopted. If meetings of shareholders were held, the probability would be that in nine cases out of ten the directors would willingly carry out the wishes of the majority of the subscribers; and the probability was that Parliament would soon pass some law to enable them to break up their companies. But in the present state of the law it was not unnatural that directors, who were responsible for the due appropriation of the funds entrusted to their care, should be unwilling to take upon themselves the performance of any act, the consequence of which might be doubtful. In order, then, to give time to subscribers living in the country to become acquainted with what was proposed, and to take measures for the expression of their opinions, it would be necessary that at least a fortnight should elapse. It might be urged as an objection to the Motion, that in many instances a vast number of witnesses would have to be kept in town at an enormous expense; but when it was considered that most of the Committees of the House would adjourn in the course of to-morrow, until the Monday week following, and that the Resolution extended the time for only another week, that objection could not be considered worthy of any very great consideration. Some parties had gone into a most reckless course of expenditure, and for such he had no pity; but for the remainder the hardship would not be very great for one week. He begged, therefore, to move—

"That all proceedings on Railway Bills in Committees, and in the House, after Thursday next, be postponed until Monday, the 27th day of this instant April."

Lord HARRY VANE had no objection to the Motion on general grounds, but there were certain cases which he thought should be excepted from its operation—those in which the proceedings before the Committees on Groups had been brought nearly to a termination, but which could probably not be quite terminated by Thursday. The Committee to which he belonged had nearly terminated the business before it, and it would be very inconvenient to have their proceedings stopped in such a summary manner.

Mr. WILSON PATTEN did not think the objection of the noble Lord (Lord Harry Vane) a valid one. If any exception were made, he (Mr. W. Patten) thought it should be in favour of the Scottish Grand Junction Railway—a Bill in favour of which the House had already made exceptions to their Standing Orders for the purpose of expediting it, in order to give employment to the population along the proposed line.

Sir JOHN EASTHOPE said, that after having carefully considered the whole case, he thought it better that the entire business should stand over as proposed by the noble Lord (Lord Granville Somerset). If any exception were made, it ought to be only in favour of the extensions of the great trunk lines.

The Motion agreed to. It was also ordered that no Railway Bill be read a third time before Monday April 27th.

PRIVATE BILLS.

Mr. HUME called the attention of the House to the consideration of the best possible means for lessening the labour and expense attendant on Private Bills, and for preventing, what he was sorry to say too frequently occurred, the sacrifice of the public interests. He did so on several grounds. But the Sanatory Committee had, in their second Report, embodied all the principles for which he had been contending for some years. They stated in that Report that, as matters had hitherto been arranged, there had been one Bill brought in for the construction of waterworks, one Bill for paving, one Bill for lighting, and one Bill for effecting other improvements—in short, a variety of Bills were brought in for one and the same locality, which had led to great expense to the public, whilst the interests of the public were not properly represented in the passage of such Bills through Parliament. By the Papers which he had moved for, it would appear that in the Session of 1844 there were forty-seven Bills before Parliament, consisting of paving, lighting, police, waterworks, docks, harbours, piers, and market Bills; that in 1845 there were seventy-two such Bills; and that this year there were no less than 134. Notwithstanding the Report of the Sanatory Committee, and the pledge which the Government had given to introduce a Bill for the purpose of carrying out the recommendation of that Committee, there were more waterworks Bills this year than had ever previously been known. He contended that none of those Bills should receive the sanction of Parliament until a Commissioner had been

sent down, on the part of Government, to see that works of this description were required, and that evidence should be taken on the spot, where parties who were not interested might be examined upon the subject. It was a well-known fact that the best evidence was not produced before the House. A vast portion of private Bills were introduced upon the testimony of interested persons, whilst the interests of the public at large were almost entirely kept out of view. Instead of this House having to decide upon Bills running counter to each other, the question upon which the decision of the House ought to be asked was, what is the best mode of watering such places as Liverpool and Bristol; and money should not be expended upon such contentions as were now going on in the Committees of this House. There was no reason why a general Bill should not be passed, under which any town wishing to have waterworks might establish them without coming to Parliament at all. The same might be done with respect to Bills for the formation of piers, harbours, and gas works; and he hoped that after the Easter recess, Ministers would be prepared to appoint a Committee to take into consideration the best mode of framing one model Bill for all those different subjects, so that a form would be laid down in accordance with which the parties would draw up their plan, and on submitting it to the inspection of a public officer they should have their Bill agreed to without incurring the enormous expense of coming to that House. Those were the objects he had in view. The hon. Member concluded by moving—

"That a Select Committee be appointed to examine the applications for Local Acts during this Session of Parliament; to examine especially in respect to the Bills for the erection of new Waterworks, Drainage, and Paving and Improvements, according to the recommendations made by the Commissioners of Inquiry into the means of improving the Health of Towns and densely populated districts, and ascertain how far the principle of their recommendations may be carried out in relation to the Bills proposed, and whether any and what measures may be recommended for adoption by the House thereon."

Sir J. GRAHAM would not detain the House more than a minute. He merely wished to state that he quite agreed with the hon. Member for Montrose, that great public interests were involved in the question he had introduced. Last year, with reference to Enclosure Bills, the Legislature had adopted a principle which had been found to be most advantageous. They had passed a general Bill giving great facilities for passing local enclosure Bills, at the same time reserving to themselves complete control over the particular measures passed in each Session. He must say he thought that principle quite capable of very advantageous extension; and so far from opposing the appointment of such a Committee as that the hon. Member moved for, he thought it would be most advantageous to have it appointed after the Easter recess. With respect to the waterworks, the noble Lord the Member for Plymouth (Lord Ebrington) had done him the honour of calling his attention to the particular subject; and he regretted that his noble Friend Lord Lincoln was not at the present moment a Member of that House, as he had been prepared, on the part of the Government, to introduce a general measure to improve the health of large towns, by the supplying them with water, cleansing, draining them, &c. The effect of the announcement of that measure had been to stimulate speculation on the part of public companies, and a great number of Bills had been introduced in the present Session for the purpose of taking possession of all the great springs which could be obtained under a general measure. With reference to those Bills before the House, he thought it was indispensably necessary to take steps on the part of the Government; and he intended to propose that there should be a clause inserted in each of them, limiting the power of the companies over the springs they might have obtained, so as to give them not an indefeasible title, but only a dependent title contingent on the general measure which might pass. Then, with respect to gas companies' Bills and others of that kind, he thought that the jealousy of Parliament ought to be exercised, and that the Committee should devote their attention to the subject with a view to the benefit of the interests of the community at large. He should be most happy to support the appointment of the Committee.

Viscount EBRINGTON said, that the right hon. Gentleman having referred to him, he would take the opportunity of saying, that he rejoiced the subject had been brought under the notice of Parliament. The course now indicated by the Government had been taken by them perhaps somewhat later than it ought; but now that they had entered upon it, he hoped the principle it comprised would be extended so as to lead to a general system of legislation with respect to all those matters

which were, from the nature of them, monopolies.

Motion agreed to.

RETIRED LIST OF NAVAL OFFICERS.

SIR C. NAPIER wished to ask one of the Lords of the Admiralty a question respecting a retired list of naval officers. About eight months ago, an announcement was made that it was proposed to make a retired list for officers in the navy, and 30,000*l.* a year was represented as being requisite for that purpose. A circular was then written and sent round by the Lords of the Admiralty, announcing that such a list was to be made out, of 300 captains above the age of 55, and who were to send in their names for that purpose. If this list was not completed, the Admiralty intimated that they would not be bound by their proposition. On the 1st of October, the date when the time of sending in the names expired, only 267 officers had signified their assent. Another circular was issued, with different terms, which was to be filled up by the 1st of January; but he understood that it had not yet been filled up. He wished to know from one of the Lords of the Admiralty present whether the Government had taken any steps to fill up the retired list? Many old officers felt great anxiety on the subject; and he trusted that some explanation would be given as to when it was likely that this arrangement would be carried into effect.

MR. HENRY FITZROY was understood to reply, that the Admiralty had not yet finally decided as to the course which should be taken, but a decision would be formed with as little delay as possible.

ECCLESIASTICAL COMMISSIONERS (IRELAND).

MR. E. DENISON said, it might be in the recollection of hon. Members that towards the close of last Session, he had brought under the attention of the House a point connected with the management of the Ecclesiastical Commission for Ireland, which he had thought required the consideration of Government—namely, that the Ecclesiastical Commissioners had the power of selling the Church lands. He conceived that the capital derived from the sale of those lands ought to be invested in the funds, and the interest accruing thereon disposed of by the Commissioners, and not the capital itself. He regretted to say that the Ecclesiastical Commissioners had taken a different view; and up to the 1st of August, 1843, lands had been sold by them to the value of 422,000*l.* The whole of that sum was gone, spent, and lost for ever to the Church, and the State as the guardian and trustee of that property. The question that he wished to put to the right hon. Gentleman was that of which he had given notice, namely, "whether it were the intention of the Government to take any steps in order to restrain the Ecclesiastical Commissioners for Ireland from expending the capital sums derived from the sale of Church lands, in defraying the annual current charges of the Commission?"

SIR J. GRAHAM said, the hon. Gentleman, in putting his question, had referred to the Correspondence which he had had the honour of laying on the Table of the House, towards the close of last Session, which had taken place between the Lord Lieutenant and the Ecclesiastical Commissioners of Ireland. From that correspondence it would appear what was the opinion of the Government with respect to the right construction of the Act to which the hon. Gentleman had referred. The Lord Lieutenant had expressed in very strong terms to the Ecclesiastical Commissioners, that it was inexpedient to expend the capital arising from the sale of the property, but that it ought to be be invested, and the interest accruing on it only expended. Since that correspondence, a further communication had taken place between the Chief Secretary for Ireland and the Ecclesiastical Commissioners; and he was happy to inform the hon. Member, that in the course of the present year the Commissioners had announced their intention of confining the expenditure to the interest only, and that they would would not expend the capital. More than that, the Ecclesiastical Commission were in debt some 60,000*l.*; but he was happy to state, that they last week announced their intention of liquidating 10,000*l.* of it.

FINANCES OF GREECE.

MR. BAILIE COCHRANE wished to know from the hon. the First Lord of the Treasury, whether there would be any objection to lay on the Table the instructions to Sir E. Lyons with respect to the Greek loan. He wished to call the attention of the House to the declaration recently made by the Minister of Finance in Greece, that all interested in the loan should know what they might expect. The Minister for Finance, in addressing the Chamber of Deputies in Greece, said, that he had come

down to tell them that the treasury department was in a complete state of disorganization; that there were no accounts of the revenue or expenditure; and that he could not furnish anything in the shape of a budget, in consequence of the dishonesty of the public functionaries; that millions were due to the State, and he did not know from whom. This was the financial statement of the Greek Minister. He (Mr. Coehrane), therefore, wished to know whether the right hon. Gentleman was buoyed up with any hopes of getting any repayment of the loan to the Greek Government.

SIR ROBERT PEEL said, that at any rate one thing might be said, namely, that the most frank and candid Chancellor of the Exchequer in Europe was to be met with in Greece. As for the interest of the debt, he had never been very sanguine on the subject. He proposed to lay on the Table of the House a statement as to the failure in making provision for the payment of the interest of the debt, and also the communications from Her Majesty's Government to the English Minister in Greece, and the answer received from the Government of that country. When those Papers were furnished, the House would see what was the state of our relations with that country.

INCLOSURE ACTS.

LORD WORSLEY rose to ask the Secretary of State for the Home Department when the public general Bill for "the inclosure of those waste lands which the Inclosure Commissioners for England and Wales have certified, in their annual Report, to be expedient, but which may not be further proceeded with without the authority of Parliament, will be presented to the House; and also whether the said Commissioners will be instructed to report specially, at a later period of this Session, upon such applications for inclosure as have been received by them since the date of their annual Report; and if so, whether a second public general Bill will then be presented to the House, with a view to avoid delay; and also what restrictions, if any, are contemplated to the introduction of private Inclosure Bills, with a view to an efficient and inexpensive protection of the interests of those commoners who, by petitions to this House, allege that there are not any circumstances so special in themselves as to render the provisions of the General Inclosure Act inapplicable in whole or part to such inclosures?"

SIR J. GRAHAM said, that he had obtained permission to bring in a Bill to give effect to the inclosures specified in the Report of the Inclosure Commissioners of the 31st day of January last, so far as those inclosures required the additional sanction of Parliament. He was aware that, under the Act of the last Session, the Commissioners would make separate reports; and if the number of additional applications for inclosures was such as to render it advisable, they would make a second report this year, and he should be ready to proceed with another Bill to give effect to it. With respect to the last question of the noble Lord, he agreed with him, that since the general Inclosure Act had passed, they should view with jealousy any private Inclosure Act. Great facilities were now given to the rich supporters of such Bills, but poorer persons interested in them laboured under great disadvantages; and, therefore, the House should view them with jealousy. He thought that some restriction was desirable, but he was not then prepared to say what that should be.

THE ADJOURNMENT.

SIR ROBERT PEEL would at once state, on the part of the Government, the course which he proposed to pursue with respect to the public business. He did so when the House was full, and when a greater number of Gentlemen were present than probably would be the case at the subsequent part of the evening. He mentioned it also now on the chance that some amicable arrangement might then take place as to the progress of public business; finding that it was most desirable that a fixed time should be appointed when the sense of the House could be taken on the important questions before it. He did not think that under any circumstances at present it could have been his duty to propose any other adjournment than for the shortest period that was usually taken at Easter. No one looked with more joy towards an adjournment than he did; and he had intended to have proposed that it should take place from Thursday to Monday week next; but he now did not think it proper, in the present state of public business, to propose such an adjournment. The loss of one of those days which Government took for public business could not be well borne. He, therefore, should propose that the House should adjourn from Thursday next, to the Friday in the following week; and on that day he should propose, as the first business, to resume the debate on the Pro-

tection of Life (Ireland) Bill, as it was not probable that he should be allowed Thursday next for that purpose. Several hon. Gentlemen had proposed that the adjournment of the House should take place from to-morrow instead of on Thursday; but some hon. Gentlemen had given notices of Motions for Thursday, and this could not be done without their consent. If, however, it was the general wish of the House, and if those hon. Gentlemen concurred in that wish, he should have no objection to move the adjournment to-morrow instead of on Thursday. They would thus lose no opportunity for discussing the important subjects before them. If an arrangement could be made with those Gentlemen, and they would consent to withdraw their notices, he would at once give notice that he should follow that course. If this was not agreed to, there would be no opportunity of proceeding with the Irish Bill on Thursday night when the notices were gone through. Under these circumstances he should now propose that the Protection of Life (Ireland) Bill be postponed until Friday week. The Monday following he should fix on for the further progress of the Corn Bill and the Tariff. This was the arrangement which he proposed to make with the concurrence of the House.

The adjourned debate on the Protection of Life (Ireland) Bill postponed accordingly until Friday week.

LEGAL EDUCATION—IRELAND.

Mr. WYSE said, in undertaking to bring forward the Motion, of which he had given notice, for a Select Committee to inquire into the present state of legal education in Ireland, and the means for its further improvement and extension, he wished that he could say that he had those qualifications which would entitle him to demand the attention of the House. He wished that he had either the ability or the experience of the professional man, or that he could boast of being acquainted with the general wishes of the profession, so as to enable him to speak with some degree of authority in introducing the subject to the House. But the disadvantages under which he laboured in this respect were, he flattered himself, counterbalanced by advantages on the other side. He believed that he stood there unaffected by any partiality towards any particular system, and that he could not be accused as a party wishing either to invade or to preserve ancient, but at the same time antiquated usages. He came forward influenced by a general and comprehensive feeling for the extension of education in every branch, and penetrated with a strong conviction of its paramount importance in the legal profession. Nor was this the first time that he had expressed a deep interest in this question. As early as the year 1838 he had in the Select Committee on Irish Education—and he had the pleasure of seeing some of his Colleagues who assisted him on that occasion at present sitting near him—expressed his views on this subject. In the Report from that Committee it was stated that—

"In addition to the academical and collegiate institutions already noticed, your Committee feel the advantages arising from establishments for the full cultivation of those strictly professional studies for which preparation only has been made in the above-mentioned schools;" and also "the present deficiency of institutions for the regular study of law is generally admitted."

In the year 1840 he had the gratification of heading a deputation that waited on the then Secretary of Ireland (Lord Morpeth). On that occasion he was accompanied by Mr. Lynch, Mr. Emerson Tennent, Mr. Serjeant Curry, and Mr. Tristram Kennedy, all names of the greatest influence. They prayed that his Lordship would become the means of conveying to Her Majesty their hope that the society then organized and established for the first time in Ireland should receive the benefit of a royal incorporation, the object being, in some degree, to form a substitute for a university establishment for law education, by means of the Law Institute of Ireland, and thus, through lectures and the establishment of classes, to give that instruction in the profession of the law which, he regretted to say, was not yet generally adopted in this country. On the 23rd of May, 1843, he presented a petition from Mr. Tristram Kennedy, the Principal of that institution, the prayer of which was the same as that used at the deputation, namely, for a charter of incorporation for the institution. He also gave notice of a Motion for June 20, in the same year, for a Committee "to inquire into the present state of legal education in Ireland, and the means for its future improvement and extension." That Motion was afterwards adjourned till the 11th of July, and from that till the same day in August, when it was deferred to the following Session. Under these circumstances he believed it was not necessary for him to apologize to the House for again submitting the sub-

ject to their consideration. He pleaded the deep sympathy which he felt at all times in the establishment of a system, truly comprehensive and national, of education for Ireland; and he considered that such would be impossible without embracing amongst its departments one which appeared to him in no particular inferior to any other; for, after all, who was there in that House, or he might say in any part of the community, who did not feel in almost every relation the all-pervading influence of this profession? No age, no class, no period, was unaffected by its power. To some the theological instructor, the religious teacher, claimed a higher pre-eminence, and with reason. The physician, too, the preserver of life and health, had also his title to the gratitude and admiration of society; but the lawyer touched on all these, and had a province beside of his own. His moral and intellectual qualifications were felt not for one generation, but for many; not in private only, but in public. He was not only the regulator of the domestic concerns of the social intercourse of the individual, but the instrument by which constitutions and laws were upheld or destroyed. He might be the protector or the oppressor of the poor, the sword of the despot, or the shield of the innocent. He had great privileges and functions, but also great duties, and it behoved society for its own interest to see that every means were taken for their due performance. He saw no better means to attain this desirable end in this profession, than what had been adopted in others. No country had thought it right to allow its religious instructor or its physician to be uneducated. He laid little stress on the usual objections to any interference with existing habits and systems, or rather no system. He admitted that the bar and bench of these countries displayed a series of names for virtue and talents perhaps unequalled in the legal records of Europe. He admitted, too, that necessity was a great teacher, and practice or experience, for most of the ordinary purposes of life, superior to any theory; but he could not understand how experience could be rendered less efficient by having theory for its guide, or how the lawyer could improve by depriving himself of means which were thought and found to be of advantage in disciplining and preparing theologians and physicians for their professions. If they found that they had only done enough in their instance to protect society from incompetence or disqualification, he could not see why they could not be accused of negligence or inconsistency in not extending the same qualifications to the legal profession. In the interest of the bar itself, previous discipline and regulated study were scarcely of less importance. How many passed a large proportion of their early years in experimentalizing, in groping about, in attempting to discover, often foiled by many disappointments, the surest way to the great end which they had in view! These were not his experiences, but those of men to whose long labours, and high honours, and unquestionable information, the House would bow with reverence. He need but to refer to one name amongst many—a name in itself a eulogy—the late Master of the Rolls in Ireland—Sir Michael O'Loghlen. He remembered well at a dinner with which he had been honoured by some of the most eminent men at the bar, hearing that distinguished Judge say, that the difficulties he had himself experienced in the direction of his own course of study, on entering the legal profession, were too deeply impressed on his mind to be easily forgotten. The ordinary obstacles to which all men were exposed who made the law their study, induced him to hail with extreme satisfaction the establishment of any such institution in Ireland. Of the same opinion was one of the late Attorney Generals in Ireland, but especially the Solicitor General, who stated, in a manner not to be misunderstood, that he never conversed on the subject of legal education with a professional man engaged in the practice of the law, who did not concur with him in deploring the enormous waste of precious, because irrecoverable, time lost in the early years of a lawyer's reading. "It is not," he added, "until we have lavished much labour in a course of study in which one-half is not always understood, and of the remainder a large portion is ill-arranged, and, therefore, soon forgotten, that we begin to learn how we ought to have tracked our way." Hence it was the learners of law feel the want of a safe and early guide in teaching the two great objects of the student—method in his studies, and economy in his style. Judge Story, too, a name which belongs not to his country only, or to his age, but to Europe and posterity; who united philosophy, science, and literature, with law; who is an authority on our Bench, and in the courts and universities of the Continent, as at home;

he also not only expressed his sense of the same evil, of the same want, but was one of the first to take active measures to remedy it in America, by the superintendence of the Dane school of law in the Havard University, and the intercourse which he established between the student and the judge; giving lectures as well as decisions, and encouraging the young pupil to follow in the same track in which he proceeded with so much honour. Nor were these maxims only of the wise and few. Europe, with almost the single exception of England and Ireland, has from the earliest period acted upon them. In almost all the universities of the four or five faculties, jurisprudence usually occupies the second place. In some, such as that of Bologna—which Tiraboschi calls the most renowned and conspicuous amongst the schools of Italy—Bologna gloried most in her jurisprudence. Of all her other departments of science, it was that which rendered her pre-eminent, and sought in the remotest parts of Europe. In early time the jurisconsult was held in reverence very little inferior to the ecclesiastic. In the new constitutions of Leo XII., for the education of his States, the legal college scarcely holds a secondary place to the theological. The same may be said of the universities of Pisa, Padua, and Pavia. In the latter university the political sciences connected with law, or dependent on it, are combined. The law course in that institution embraces the following chairs:—first, statistics; secondly, natural law; thirdly, criminal law; fourthly, Roman law; fifthly, ecclesiastical law; sixthly, Austrian civil code; seventhly, commercial law; eighthly, political science, constitutions, and penal code; ninthly, judiciary practice. The university of France, which is peculiarly constituted, and differs from that of any other country in Europe, spreading over the whole of the French territory, comprehends nine faculties in law, situated in nine of her principal towns. In all these schools they teach the institutes of Justinian, the civil code, and the modes of judicial proceeding. There are also chairs in some, of the commercial code, of the administrative code, or of the *droit administratif*, of the pandects, besides chairs of the history of law, of the natural law, &c. Students who enter—and none are eligible to special official situations who have not passed through the course—are required to attend the three months' courses; and cannot obtain without certificates of diligence the privilege of examination, or degrees, without which they are not admissible to the bar. The legal courses in the universities of Belgium embrace, besides the institutes, pandects, natural law, &c., both public law—ecclesiastical included—modern civil law, modern criminal law, canon law, practice of the courts, the political history of Europe, statistics, and diplomacy. But perhaps the most remarkable instance of a special law institution abroad, superior even to several of the great faculties of jurisprudence in the universities of Germany, is the Imperial Law School, established at St. Petersburgh in the year 1835, on the suggestion of the Prince of Oldenburgh, by an organic statute of the Emperor. It is destined to fill the ranks of the magistracy and of the jurisconsults with men penetrated by the spirit, the science, and the sanctity of their profession. This school is a true judicial seminary; and no other establishment of Europe can be compared with it in point of magnitude and munificence. To secure a perfect unity of view, the age of admission is fixed at twelve years. The complete course of studies lasts for six years. The early classes embrace the study of the ancient and modern languages, history, geography, mathematics, the physical sciences, natnral history. In the fourth class the study of philosophy and history is commenced. In the third, they enter upon a course of Roman law, administrative law, civil law, the history of law, and an extensive course of political economy. The courses of religious instruction and the fine arts are frequented by all the classes in the school. In the last class, the pupils receive instruction in feudal jurisdictions, in procedure, in legal medicine, financial law, provincial law, law of police, of administration, and international law. They are then fit to enter upon their functions. But even in these countries, where circumstances permitted, the utility and necessity of such special course had been recognised. In the recommendations of the Commissioners, issued in 1826 and 1830, on the part of the Commission appointed to consider the study of the Law in Edinburgh, we find it strongly maintained:—

"The country," say the Resolutions, "is deeply interested in the character, the independence, and influence, of the advocates to whom the defence of their property and liberties may be intrusted; and it would be vain to hope that the independence and character of the bar can be maintained, if the study of law is not conducted on an enlightened and philosophical plan. The great extension of

the subject only renders it the more important to provide that the instruction of the students shall not be limited to the details of a technical art, and the philosophy and science of law sacrificed in order to furnish materials for the manual of a practitioner."

Accordingly they recommended that the study of law in the University of Edinburgh should include attendance for three sessions, embracing the study of the civil law and Scotch law in its several branches, as the qualification for a degree. This Report was subscribed by the names of Rosebery, Gordon, Haddington, Aberdeen, Rae, and others, which necessarily must command attention from either side of the House. But in turning to England they met admissions indeed of the necessity, but very partial evidences of the zeal with which such a system had been carried into execution. The Statute 33rd of Henry VIII., indeed, enjoined of those whom it requires "to be *demurrant* and *resiant* in one of the inns of court in England studying and practising, or endeavouring themselves, the best they can, to come to the true knowledge of judgment of the said laws." But little seemed to have been done in following up that injunction. They collected from Lord Campbell's "Lives of the Chancellors," an authority of deserved influence in all inquiries connected with legal history, that Wolsey, when keeper of the great seal, is reported to have openly complained—

"That the lawyers who practised before him were grossly ignorant of the civil law, and the principles of general jurisprudence; and to remedy an evil which troubled the stream of justice at the fountain-head, he, with his usual magnificence of conception, projected an institution, to be founded in London, for the systematic study of all branches of the law. He even furnished an architectural model of the building, which was considered a masterpiece, and remained long after his death as a curiosity in the palace at Greenwich. Such an institution (adds the noble and learned Lord, a Member of the other House, from whose writings I quote) is still a desideratum in England; for, with splendid exceptions, it must be admitted that English barristers, though very clever practitioners, are not such able jurists as are to be found in other countries, where law is systematically studied as a science."

Milton and Bacon each complained of the same deficiencies; but they found by references to different orders established in the time of Philip and Mary, that most cases, and pleadings, and points, were all prescribed as portions of the exercises to take place in the inns of court. That other orders were established by command of Queen Elizabeth, and the Justices of the Queen's Bench and Common Pleas:—

"That moots and other exercises of learning be a condition for admission, and also for a continuance as either barrister or pleader."

The preamble to orders made by the judges and barons for enforcing education at all the inns of court in the 33rd year of Elizabeth, 1591, laments that there has been interruption to these studies, which, if it should be permitted, they add—

"Would be almost an utter overthrow to the learning and study of the law, and, consequently, an intolerable mischief to the commonwealth of this realm."

The preamble leads to several rules, under the authority of the judges, for the future facilitating of the acquirement of legal knowledge. In referring, however, to the late returns of the regulations of the four inns of court, as to the admission of students and calls to the bar, made on the Motion of an hon. Friend near him (Mr. Christie), he found little or no mention of such exercises—the only notice being the reading exercises prescribed in 1762 in Lincoln's Inn, but afterwards apparently not insisted on; and some reference in the regulations of the Middle Temple to examinations on the learned languages, history, and general literature, prescribed by an order of February, 1829. The large majority of the rules applied solely to the keeping of commons, and the payment of deposits and fees. The same inattention would also appear to have been tolerably prevalent in the great Universities of Oxford and Cambridge, recently placed upon the Table of the House—an inattention naturally arising from the incompleteness of the course, and the want of regular system both in lectures and professors. He should wrong, however, the enlightened portion of the bar, if he were to take these facts as evidence of disregard either to the importance or necessity of a wide and philosophical system of legal education. He held in his hand the opinion of one of the most distinguished judges on the English bench, communicated to the Dublin Law Institute; and, to this again, he could add a more striking testimony from an authority not less distinguished from the Scottish bench. The first was to the following effect:—His lordship states that he—

"Is very glad to perceive that Ireland at least is likely, in the Dublin Law Institute, to have a prudent and careful guide to the studies and talents of her rising bar. On that body, to which ultimately must come, at some future time, the administration of her laws, much of the future happiness of their beloved country will depend."

The other authority is that of the Lord Jus-

tice Clerk, communicated in a letter on the subject to the same institute:—

"The Lord Justice Clerk, when dean of faculty, had many projects of attempting to institute some similar society at the Scotch bar to that in Ireland, the Dublin Law Institute, very much, in order to bring the minds of the junior and senior members of the bar more into contact in the discussion and consideration of legal points. The difficulties, however, were great—some peculiar to our profession as conducted in Scotland. He cannot but think the commencement of such a thing in Dublin so very admirable and excellent, that he hopes it may be continued and encouraged. He cannot hardly conceive any object more deserving the personal attention of the many accomplished leaders of the Irish Bar."

But what he would rely on with still more confidence was, not the opinions of individuals, but the proceedings of one of the very bodies to which he had referred. He had heard suggestions had been made by a distinguished ornament to the bar, for the foundation of a legal university, to comprise the four inns of court; but he had not yet learned that this invitation had been universally responded to. Perhaps neither the bar nor the country were yet ripe for so comprehensive a reform; but though he could not congratulate the House on any immediate approach to such a consummation, he yet saw with delight and rejoicing the augury of such a change in a late remarkable document, proceeding from one of those bodies—the Middle Temple. He read in that document, that in compliance with a report which had been made by a committee empowered at a parliament holden on the 21st of November, 1845, to ascertain the best mode of promoting the legal education of the students of the house, measures were taken to bring into operation much of the reform to which he had been just referring. He saw in that report a recognition of the statements which he had ventured to make, and a fearless and enlightened resolution to act upon them. The committee, in the words of the report—

"Have also adverted to the acknowledged deficiency which has long been felt to exist in the education of English lawyers, in consequence of their entire neglect of the study of jurisprudence and the civil law, although in all places where law has been or is taught as a science, these subjects have uniformly formed the first and one of the most essential parts of legal education."

They proposed, in consequence, bringing back these institutions to what they were designated by Lord Mansfield, "Seminaries for legal education," to establish, as the commencement of a sound and comprehensive system of education, the appointment of readers on jurisprudence and civil law. By the term jurisprudence the Committee mean to indicate general jurisprudence as distinguished from the particular jurisprudence of any individual nation; and by the term civil law they indicate what may be termed modern Roman law, which has formed the basis of the law of many continental nations, and entered so largely into our own. They believe that this study of the theory of civil law may be most advantageously combined with the study of jurisprudence, and that the two united will furnish the best means of preparatory legal culture, and the formation of an enlarged and comprehensive legal mind. They allocate with this view the annual sum of 300 guineas from the society, in addition to one guinea to be received from every student for each terminal course of lectures. The appointment to continue for three years certain with the additional *honorarium* of 100 guineas, should the lecturer have discharged the duties of his office during the whole period for which he is appointed. The qualification of the lecturer to be that of a barrister or a doctor of civil law, and the lectures to be open to all the students of all the societies. Not content with lectures, they recommend, that for the greater efficiency of the system, an annual examination of students for the bar previous to their being called, not compulsory, but offered as an unexceptionable mode of becoming known and distinguished. They propose, that on the occasion of every call to the bar, such examination should be conducted by three benchers, assisted by the lecturer, and that it should consist of questions in jurisprudence, common law, equity, and conveyancing; and the names of those students who would submit themselves to it should be published by the society, with such honourable additions as they may appear to have deserved. To complete the institutions they desired to establish, and as an additional inducement to attendance at the lectures, and to exertions at the examination, they propose two exhibitions or prizes of 100 guineas each should be given by the society to the two students who should diligently have attended at least three terminal courses of lectures, and passed the most meritorious examination. He did not refer to these grateful alterations with a view of entering into any disquisition on a subject which, however collateral to his Motion, might still be considered by some as not imme-

diately connected with it—with any view of passing judgment upon English legal education; but solely to prove to the House, that in submitting to its consideration improvements, and inquiry into the best means by which it could be effected in legal education in Ireland, he had the encouraging example of a body to whom all must bow with respect. The reform was not rash nor premature. It arose out of the exigencies of the times, and the advancing demand for larger and more liberal strides. They had been recommended, and, he was glad to say, in course of being carried out by the order of a parliament held on the 16th day of January, 1846, not in an innovating but a conservative spirit, preserving the old where it was worthy of preservation, but adding also to it the new when it was re-required by the circumstances of the age and of the country. He would beg, therefore, the House to keep that in their recollection, whilst he advanced to what was more specifically the object of his Motion—an inquiry into the means of effecting a similar or still greater reform in legal education in Ireland. He would now turn to the case of Ireland. In the year 1839 an institution was established in Dublin, upon the suggestion of Mr. Kennedy, a gentleman well known at the bar, called "The Law Institution." In 1840 the Lords Justices of Ireland expressed their conviction of the utility of this institution, and recommended that it should be endowed for the purpose of facilitating its incorporation; in order to justify the claim for incorporation, application was made for endowment to the benchers of Queen's Inns. The benchers of Queen's Inns granted 400*l.* for the current year, as an earnest and mark of their sympathy with the object, and of their approbation of the exertions of the founders. They also required to be *ex officio* fellows of the institution, in order to preserve control over its operations and proceedings; and in order to provide additional security and permanence it was recommended in the month of June 1840, by thirty-nine Queen's Counsel, five of whom had filled the office of Attorney or Solicitor General in Ireland, that the institution should be incorporated. In 1841 application was made to Government for this purpose, which was favourably considered; but in the subsequent year, the grant from Queen's Inns having been withdrawn, it was found necessary to suspend the operations of the class instruction given in the Law Institute. The Queen's Inns in Dublin was much in the same position as the inns of court in England. The aggregate income of the Queen's Inns since 1832 amounted to no less than 57,186*l.*, making an average annual sum of 7,147*l.* He did not wish to throw the slightest slur upon the highly respectable body who presided over Queen's Inns; but this income, being intended to promote legal education, it was a proper subject for inquiry in that House, whether a portion of such funds might not with advantage be applied to the endowment of professorships, either in the Dublin Law Institution, or in any other similar establishment in Ireland which it might be advisable to either found or to maintain. This, however, had not stopped the operations of this body. Even after the grant had been withdrawn by the benchers, and during the last year, additional lectures had been delivered there, and the number of pupils had increased. In November, 1845, the number of students in the common-law department was 115, in the equity department 30; total, 145. By means of this institute several classes of the students had profited by the lectures, instruction and guidance of six experienced professors, acting under the control of a numerous council, selected from the most distinguished members of the profession. The lectures had been delivered by some of the most eminent men at the Irish bar. He had only to mention names whose distinction was not confined solely to their own country, but had now become familiar to every one who respected knowledge or admired eloquence—the names of Mr. Whiteside, whose eloquence during the trial of Mr. O'Connell had added a new illustration to the honours, already great, of the Irish bar; and the calm comprehensiveness, and grave experience and philosophy of Mr. Napier, in supporting the Appeal before the Lords. These men must be fresh in the recollection of the country. With all these facts before them, he was justified in calling upon the House to inquire how far such an institution might be made still more useful in promoting legal education—whether it might not be a matter of primary importance both to the bar and to the country, to enlarge and secure these benefits by extending its professorships, and giving permanence to the institution by endowment and incorporation. He wished to see it presided over by the judges, the benchers, and

other authorities who adorned the Irish bar. He wished to see the judges, those venerable authorities, in habitual intercourse with the younger portion of the profession, encouraging them by their counsel and example to the attainment of the same honours which they themselves had acquired. Such feelings, he knew, were encouraged in England, and it was one of the benefits which had been ascribed to the institution of the inns of court. Judges in this country were not separated from their original inn, except in the case of such as were promoted to the common-law bench, who, from the circumstance of their being serjeant, were transferred to Serjeants' Inn. This did not apply to Ireland. A distinction, however, which he would maintain would be, to separate the judge from the bencher, so far as identification with such a body remained. He would rather see them in the position of visitors, judging of appeals from that body, than as acting upon all occasions with them. Much had been done for education in Ireland; but he called upon the House to complete the great task, by comprehending in the scheme due provision for legal education, by establishing a school and college of law in Dublin, to be maintained by the State, or at last aided by its contributions. As that plan originally stood, he had intended to have had a regular gradation of establishments over all branches of education. He had begun with the elementary school. The second class of that department was formed by the model school. He hoped later to see one in each county—a county academy, by the enlargements which he had proposed, and reforms over diocesan and royal schools, and other schools of public foundation. The provincial colleges formed the third class; and he saw with pleasure that in them due provision had been made for a chair of law. Means had been secured for the study of theology in the three persuasions; by Maynooth, Belfast, and for the education of the Protestant Church of Ireland, by the University of Dublin. The study of medicine had secured to them chairs in the several colleges, and they also had provision for the higher branches of the same departments in the Colleges of Physicians and Surgeons. It only remained to complete that higher education in respect of law, by establishing a college or institute somewhat upon the plan which had been already tried, and with success, under the name of the Dublin Institute. This was the view entertained in the Report of 1838; and by the present Motion he took the opportunity of more fully developing it. Such a school or college of law would not only benefit the bar, but it would be an advantage to society. It would infuse into what must often be a course of mere technicalities, something of a lofty and more philosophical spirit. It would not only produce lawyers, but, he hoped, legislators; for every one in that House must be conscious how much the want was felt of opportunity of any real acquaintance with the great principles of jurisprudence, especially in their direct bearing upon those functions which he had afterwards to exercise, whether in the Senate, whether as an ambassador from his country, or as a negotiator for its interests. Philosophic study and a large and embracing spirit was its first essential. In all this we were deficient. Well known through Europe as were all our talents, we not unfrequently wanted the ordinary elements of instruction in these several branches. We should also remember the lawyer was essentially the manufacturer of our Acts of Parliament. Upon his knowledge, experience, and intelligence depended the accuracy and facility of application, but still more the clearness, of our legislation. Without opportunities for the cultivation of these qualities, we should long continue to laments the defects to which we were at present subject. Nor was this an object limited to an hour or a party. We had already been engaged during this Session, upon more evenings than one, in devising the means by which the majesty of the law might be vindicated with the most efficiency; but we should recollect that it was in the power of the bench and the barrister, as well as of the law, to attract confidence. It should not be feared only, but trusted and loved. It was not enough to have justice for the poor as well as the rich; there should be hands to administer—there should be a judge for the poor as well as the rich. He could not better conclude than in the remarkable words of a distinguished man, Mr. Webster, in his funeral oration, last September, upon one not less distinguished, Judge Story:—

"Justice, Sir, is the great interest of man on earth. It is the ligament which holds civilized nations together. Wherever her temple stands, and as long as it is duly honoured, there is a foundation for social security, general happiness, and the improvement and general progress of our race. And whoever labours in this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorn its entablatures,

or contributes to raise its august dome still higher to the skies, connects himself in name, fame, and character with that which is and must be as durable as the frame of human society."

But we never should strengthen the pillar, nor adorn the entablature, nor raise the august dome, without having first sunk the foundations solid, deep, and comprehensive. We never could hope to see a system which would realize all this country could aspire to, without assuring ourselves in the first, the earliest moment, of the legal career, of the intelligence, the acquirements, and the morality of its cultivators. Not by her arms chiefly, not by her navies, nor her labourers, nor her arts, but by her Constitution, had this country become the wonder, the admiration, and the example of the nations of Europe. From her came out the light that was now spread in freedom through every part of the world. But to keep it pure and unsullied, the *fons et origo legum* should be equally so. We should cherish, as the first jewel in her diadem, the wisdom, and the morality, and the experience of her bar. With this view, in this profession as in other professions, we should seize the mind when it was young, and devote it to its country and its country's glory. In one word, we should found an education to raise the fame and the power of the profession still higher—to make it a still greater instrument of good than it was at present, and allow it to develop the means it had of enlightening and blessing the community. Upon these grounds, he should move for "a Select Committee to inquire into the present state of Legal Education in Ireland, and the means for its further improvement and extension."

House counted out, and adjourned at five minutes to Eight o'clock.

HOUSE OF COMMONS,

Wednesday, April 8, 1846.

MINUTES.] PUBLIC BILLS.—1° Bankruptcy and Insolvency; Commons Inclosure.

PETITIONS PRESENTED. By Mr. Hawes, from Inhabitants of the Town of Ashford and its Vicinity, for Diminishing the Sale of Intoxicating Liquors on the Lord's Day.—By Sir Robert Peel, from Merchants, Manufacturers, and Tradesmen of the Town of Stalybridge, in favour of the proposed Government Measure respecting Customs and Corn Importation.—By Mr. Tower, from Board of Guardians of the Poor of Eton Union, for Rating Owners in lieu of Occupiers of Tenements.—From Retail Brewers of Birmingham, Darlaston, Dudley, and Wolverhampton, for Alteration of Law respecting Exciseable Liquors.—By Mr. Thomas Duncombe, and Sir Charles Napier, from an immense number of places, for Limiting the Hours of Labour of Children and Young Persons employed in Factories to Ten.—By Mr. Thomas Duncombe, from John Provan, residing in Havannah Street, Glasgow, complaining of certain Proceedings in the Glasgow Small Debts Court, and praying for its Abolition.—By Mr. Thomas Duncombe, from Inhabitants of Kingston-upon-Hull, respecting certain Penalties upon Lecture Rooms.—By Mr. Bramston, and Mr. Newdegate, from Ratepayers of the Parishes of Great Warley, Wolvey, and Wolston, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. Thomas Duncombe, from Inhabitants of the Town and Borough of Merthyr Tydvil, against Enrolment of the Militia.—By Mr. Thomas Duncombe, from Public Meeting holden at the Crown and Anchor Tavern, Strand, the 25th Day of March, 1846, for Restoration of the Ancient Boundaries of Poland.—By Sir Charles Douglas, from Officers of the Warwick Poor Law Union, for establishing a Superannuation Fund for Poor Law Officers.

BUILDING SOCIETIES.

MR. EWART wished to put a question to the Chancellor of the Exchequer on the subject of certain exemptions from stamp duties, which it was hoped that the Government would extend to Building Societies. By some parties it was expected that the duties charged upon the transfer of land would, in the case of those societies, be wholly remitted. But whatever was intended to be done, of this there could be no doubt—that much advantage would accrue to the parties interested by a clear understanding as to what they had really to expect; and he hoped, therefore, that the right hon. Gentleman would state his intentions to the House.

The CHANCELLOR OF THE EXCHEQUER wished, with the least possible delay, to put an end to all uncertainty upon the point. It was thought highly desirable that every facility should be given to building societies in the purchase of small tenements; and the House had therefore exempted their share certificates and transfers from any stamp duties; but it was not intended to establish any exemption in favour of the conveyances of land which might be effected by or to them, because the expenses of conveyances were shared by many in the case of a society, and paid by individuals in other cases; therefore the costs of conveyances were scarcely felt by those societies, whereas the exemption of their shares from stamp duties was a great boon.

STRIPPING INFANTS IN WORKHOUSES.

MR. CHRISTIE rose, pursuant to notice, "to ask the right hon. Baronet opposite whether the attention of the Poor Law Commissioners had been directed to the case of Elizabeth Butcher, tried at Salisbury on the 12th day of March, for the murder of her infant child, and acquitted, the child having been stripped of its clothing on the mother's leaving the Cricklade

and Wootton Bassett workhouse; and to the case of Harriett Bowkett, tried at Hereford on the 30th of March, for the exposure of her infant child, with intent to murder, and acquitted of the intention to murder, the child having been stripped of its clothing on the mother's leaving the Ledbury workhouse; and, whether the stripping infants of the clothes which had been supplied in the workhouses, where the mothers had no other clothing for them, when they are taken out of the workhouses, was ordered or sanctioned by the Poor Law Commissioners?"

Sir J. GRAHAM: I am very glad that the hon. and learned Member has, by favouring me with three days' notice, afforded me an opportunity of giving an answer to this question, which I hope will be satisfactory to him and to the House. The subject to which this question refers did attract the attention of the Poor Law Commissioners, and they therefore lost no time in addressing a letter to the clerk of the guardians of the Cricklade and Wootton Bassett union, where the case occurred. Now, with the permission of the House, I will read the substance of the letter, at least so far as it relates to the supply of clothing for children. These are the terms in which the Poor Law Commissioners have written upon this subject:—

"The Commissioners think it right to state to the guardians, that if a woman delivered in a workhouse of a bastard child, desires to leave the workhouse, and has no provision of clothing for the child, she may apply to the board of guardians, or to the relieving officer, and they make her the necessary allowance, as for a case of emergency, under the first exception to article 1 of the general prohibitory order. The guardians may likewise, if they think fit, empower the master of the workhouse to furnish clothing for the child, in cases of this sort, when there is not time for the woman to make an application to the board of guardians or the relieving officer."

The House will now perceive that, so far from any impediment being thrown in the way of furnishing clothing in those cases, every reasonable facility is given; and whatever cases have occurred, they certainly have not arisen either out of the existing state of the law, or in consequence of any order issued by the Commissioners: it will also be seen that, in cases where there seems to be anything contrary to the practice of furnishing clothes, the letter points out the course to be taken by the officers of the union.

DISTRESS IN IRELAND.

Sir R. PEEL then said: Sir, I wish to be excused by hon. Members for taking this opportunity of mentioning a subject of immense importance. I hope that hon. Gentlemen will make no answer to my statement or my appeal, and that what I am about to say will lead to no discussion. I trust that hon. Gentlemen will consider that I am influenced solely by my strong impressions as to the state of the country. I believe that a great revolution is taking place in Ireland by the introduction of meal made of Indian corn; and that there has been created a new taste for a better and more generous description of food. We find from the example of workmen on railways, who are subsisting for the first time on an article of foreign produce on which they have never before been accustomed to live, that they are able to work much longer, and are much better, than when they subsisted on that watery food, the potato. Notwithstanding the prejudices which have existed against this meal, but which are in the course of removal, there is an immense demand for the publication pointing out the way in which the meal can be cooked and dressed in the most approved manner in Ireland. Indian corn, however, is now admitted by a sort of sufferance under an order of the Treasury. What is wanted is the decision of Parliament. It would, Sir, give increased confidence to the importers if the law were settled, and if those engaged in these speculations in the United States could have the guarantee of an Act of Parliament, instead of an order of the Treasury. Then, let us bear in mind that foreign wheat, which is necessary to mix with our own, is now subject to a duty of 18*s*. Let it be remembered, too, that if we could get foreign oats and barley-meal at a duty of 1*s*., instead of 5*s*. or 6*s*., we should have great additional means of supply. I believe that we should have considerable imports of oatmeal from foreign countries if it were known with certainty that Parliament had come to a determination, and that oatmeal could be brought here at a duty of 1*s*. At present no Treasury Order has been issued to suspend the duties on these articles, except on Indian corn and buckwheat; and uncertainty will attach till there is some decision of the Legislature. I only wish, however, to express a hope that the Returns now laid upon the Table will be read by hon. Gentlemen connected with Ireland, and that they will see the state of that country. I am sure that the hon. Members for Clare and Limerick must have re-

ceived the same accounts that we have, and must know the distress which now exists; and I believe that if the decision of the Legislature can be taken on the Corn Bill, we shall greatly increase the available supply of food. All I can say is, that if those hon. Gentlemen could reconcile it with their sense of public duty—under any protest as to future opposition on any stage to the Irish Protection of Life Bill—if they could allow the decision of this House to be taken on the first reading of the Coercion Bill, and then proceed with the Corn Bill, they would confer a great benefit on many districts even of their own country. I do not wish to provoke any discussion. I speak after reading these Reports, under the strong impression of the distress existing in many districts of Ireland, and I only ask hon. Members to read these Reports, and then to form their own decision.

Mr. HAWES could bear testimony to the fact that the settlement of the Corn Bill was of great importance to the commercial classes. The railway speculations of the last autumn were pressing on the owners of small concerns, who were decreasing their business, and many labourers therefore were without employment. With regard to the Irish Coercion Bill, he earnestly requested his hon. Friends to consider how far they could think it consistent with their public duty to allow the debate on the first reading to be shortened. He was equally opposed to the Bill with them: he meant, with them, to oppose it. He did not think that the Government had made out a case for it; and he believed that all Coercion Bills had failed. He hoped, however, when all the commercial interests of England were in a state of stagnation and difficulty, if his hon. Friends could deem it consistent with their public duty, they would curtail the debate and allow the first reading to be got over, that they might go into Committee on the Corn Bill, which was a measure for the benefit of both countries. He really thought such a course would entitle his hon. Friends to the respect and regard of the nation, and that they would not forfeit the deserved confidence of the people of Ireland. He assured them that the deepest anxiety and gloom pervaded the trade of the United Kingdom at this moment, and would produce the most serious results, unless some arrangement could be made under which the House could proceed with the Corn Bill.

Mr. W. SMITH O'BRIEN said: The right hon. Baronet has again repeated his appeal to the Members for Irish constituencies; but I cannot answer that appeal, and I should not feel authorized to do so, even if I were disposed. Still I must say that we have not invited these discussions, and that it is in the power of the Government, this day, I believe, if they so please, to postpone the adjourned debate over Friday next. The right hon. Gentleman requires us to attend on that day, when it will be most inconvenient to us, and most mischievous to the country to take us from home at this period; but if the right hon. Gentleman would fix a later period—say four weeks hence—for proceeding with the Irish Bill, he will enable the House to come to a final decision on the Corn Bill, and he will be able to resume with perfect good temper the discussion on the Irish Coercion Bill. I know, Sir, that it is the disposition of the Irish Members to discuss most minutely and most fully the details of the Irish Coercion Bill. With regard to Indian corn, which is not now admitted under an Act of Parliament, I believe there would be a general acquiescence, and, indeed, no objection to a separate Bill to admit Indian corn; for I am bound to corroborate the statement of the right hon. Baronet that Indian meal has proved itself a very valuable auxiliary in the present circumstances of the country. In conclusion, I will only ask whether the right hon. Baronet has any objection to state to the House, or to lay before us, any official Papers to show the extent of the applications for aid under the Public Works Act, and also to what extent the County Presentment Act has been carried into effect? I believe that there has been no disposition shown by the grand juries to avail themselves of one of the great resources of the country on which the right hon. Gentleman relied for warding off the present distress; and I think that the amount of applications under the Public Works Acts are far and away beyond what was anticipated.

Sir J. GRAHAM: In reply to the hon. Gentleman, I can state that the applications under the Public Works Act have been very numerous; and I am glad to say that in general they have been favourably entertained by the Commissioners. I am not in a condition to state to what extent they have gone, but they are certainly very numerous; and I am glad that they are, because the relief afforded by those means is of the most legitimate

character; it enables the parties to work for wages, and is not a gratuity of the Parliament of England and Ireland to the Irish, but partakes partly of a loan, and partly of a grant. With reference to the second question, as to the remedial measures of which the grand juries might have availed themselves to the extent of 100,000*l.*, I am sorry to say that there is an indisposition on the part of grand juries to make that mode of relief available.

Mr. C. POWELL was as anxious to promote the commercial freedom of England as he was to obstruct the political servitude of his own country. He thought that the Irish Members, though a small number in that House, were justified in availing themselves of every constitutional means to stop the Coercion Bill; for, though they were a small minority in that House, they were backed by 7,000,000 in Ireland. All they wanted was, to state to the country and to record their justification for rejecting the measures of the Government.

Mr. FINCH thought the statement of the right hon. Baronet threw some imputation on hon. Members on both sides of the House, and was made on the presumption that the Corn Bill was likely to pass, whereas that was very doubtful, and it was more likely that it would not. He agreed with the hon. Member (Mr. S. O'Brien) that the best course would be to bring in a Bill for the purpose of liberating Indian corn, and any quantity of wheat which the necessities of the season required.

Sir R. PEEL: Really the hon. Gentleman has misunderstood what I stated. I threw out no imputation against any hon. Members. I did not complain of hon. Members opposite for their course of conduct on the Irish Bill; I did not complain of the hon. Gentleman and his friends for their course on the Corn Bill; so far from it they did not insist on notices, but on every Notice day permitted the debate on the Corn Bill to proceed. Even if the belief of the hon. Gentleman be correct, and the Corn Bill is to be defeated, depend upon it it will be infinitely better that the decision of the Legislature should be known at once. I never inferred that the Corn Bill is certain of success. I said nothing of the kind; but even if the hon. Gentleman's impressions be correct, he must see that the sooner the determination of the Legislature upon such a subject shall be known, the better it will be for all parties in the country.

Mr. T. DUNCOMBE was sure the right hon. Baronet must admit that if any doubt existed in the public mind as to the success of the Corn Law, it resulted from the conduct of the Government. Government could put an end to the uncertainty to-morrow. But independently of this, he thought that in this sort of conflict the Irish Members were unfairly used. The right hon. Baronet, who was followed by the hon. Member for Lambeth, threw the whole blame of the delay on the Irish Members. The hon. Member stated that he was opposed to the Bill, but asked the Irish Members whether they could not think it consistent with their duty to allow it to be read a second time? [Mr. Hawes: To limit the discussion.] Well, the Ministers could limit the discussion. Who had introduced the Bill? The Government; and then they made an appeal to that side of the House, and tried to throw the blame of the delay of the commercial measures on the Irish Members. He told them that the public did not blame the Irish Members. The public thought the Irish Members were quite right; but the same public, he was sorry to say, were beginning to doubt the sincerity of the Government to carry their great commercial measures. Why was that done for which Government were throwing the blame on others? Why was this discussion provoked? Out of courtesy, it was said, to the House of Lords. He had not yet heard that the House of Lords had sent down to search their journals; but even if they had, that House had nothing to do with the House of Lords. They had sent down a Bill, but he did not know why it should not remain on their Table a dead letter, if that House so liked. It was no concern of the House of Lords. And yet they were to take up this Bill to please the House of Lords, and also because, as the right hon. Baronet said, of the moral effect it would have in Ireland. But no moral effect would be produced in Ireland if the Irish people saw those Members in whom they had confidence, opposing by every means in their power this Bill. The moral effect of this Bill was perfectly gone in Ireland, and therefore, when they appealed to the Irish Members to consider during the recess whether they would not allow this Bill to be read a first time, he would ask the Government also to take into consideration whether they would persist in pressing a Bill which they must know they had no chance of passing into a law during this Session.

Mr. P. SCROPE could understand the Government, being desirous of introducing this measure as early as possible, if they thought it would prevent crimes in Ireland; but the moment they ascertained that on the first reading there would be a discussion on the principle, it must have been clear to them that there would be a lengthened discussion upon the various Irish Coercion Bills, if not upon all the grievances of Ireland, and that several nights must be occupied in the discussion; and from that moment he thought the responsibility of any delay in proceeding with the measures relating to corn rested with the Government. The public were not at all aware of the reasons which could induce the Government to postpone those measures to take the debate upon the Irish Coercion Bill; and if there were the same delay after Easter, in consequence of the Government still forcing the discussion of that Bill, and giving it precedence over the corn measures, the public would be still more strongly of opinion that the delay of those measures rested on the unexplained and inconceivable pertinacity of the Government in forcing on the discussion of the Irish Coercion Bill in preference to the Corn Bill.

Mr. FITZGERALD begged to correct an expression which had been made by the hon. Member for Evesham, and which was calculated to lead to misapprehension of the real state of Ireland. The hon. Member had alluded to the importation of potatoes into Wales, and he inferred from that that there was a surplus over the quantity required. He could assure the hon. Member that in this he was perfectly mistaken. The fact was, that the prevalent disease was on the increase, and they were glad to dispose of their potatoes before they would be utterly ruined. He gave the right hon. Baronet credit for the measures he had introduced for the purpose of giving relief to Ireland; and with regard to the Coercion Bill, he could assure the right hon. Baronet that the opposition given to it by Irish Members did not arise from any desire to thrown impediments in the way of the Corn Bill, but solely because they considered the Coercion Bill ill-timed and uncalled for. He found that, during the last assizes in Tipperary, there had been no capital conviction, and that in the north crime had also diminished.

Mr. WYSE thought the conduct of the Irish Members in offering every opposition to this measure could not be impugned. They felt bound to do so, in compliance with the wishes of their constituents, and because they considered the Bill an odious and unjust one. The Government had it in their power to adjourn the measure, and thus they would secure the good wishes and hearty co-operation of the Irish Members in the future stages of the Corn Bill.

Colonel SIBTHORP said, he fully agreed with the hon. Members who had just sat down. He gave the Irish Members all credit for the open, manly, and straightforward, and he would also say the consistent manner in which they had opposed the Coercion Bill. He wished the present measure of Her Majesty's Government was one calculated to conciliate the people of Ireland. He wished to see the people of that country prosperous, and he was compelled to say that the measures brought forward for the last twenty years in that House were not calculated to promote the welfare of that country. The Government should introduce a measure that by its beneficial results would restore peace and plenty to the peasantry of Ireland. Such a measure would always meet with his (Col. Sibthorp's) concurrence and hearty support, for he considered it would be more adapted to the condition of the country than the Coercion Act proposed by Her Majesty's Ministers.

The Reports of the Scarcity Commissioners (Ireland) presented by Sir J. Graham ordered to lie on the Table, and be printed.

RAILWAY BILLS.

On the Motion for going into a Committee of Supply,

Mr. LABOUCHERE said, he would take the opportunity of calling the attention of the First Lord of the Treasury to an important point upon which it was desirable the House should know the intentions of the Government before it separated. He referred to the proceedings about to be taken with respect to the railway business of the country, in conformity with the announcement of the right hon. Baronet on Monday night. The House was going to separate without a Bill being introduced into Parliament, and parties who might wish to take advantage of the facilities proposed to be given them, and to withdraw from railway schemes, ought to know during the recess what course they ought to take. But, unless directions were given to them, they would be at a loss to know how to proceed, and the in-

terval between the present time and the 27th of this month, on which the Committee, he believed, resumed their sittings —not a long period,—would be lost. He was not sure how the difficulty could be best met, nor did he urge the right hon. Gentleman, if he had not considered the subject, to give a definite answer to his question; but the parties concerned would be glad to hear that the Government would give their serious consideration to the subject, and take such steps as appeared to them expedient.

Sir R. PEEL: I am obliged to the right hon. Gentleman for calling the attention of the House and the Government to this important subject. I assure him that no time will be lost by the Board of Trade in considering the legislative measure necessary to give effect to the general views which I stated to the House the day before yesterday. Any law connected with the law of partnership must necessarily go into some nice details, and it is therefore desirable that the Bill, before it is introduced, should receive the sanction of the highest legal authorities. I may state, that in the course of yesterday some of the highest legal authorities connected with the law of property gave the subject their consideration. It is obvious that the details of such a measure are quite a different question from the general intention of the Government; and when time is so precious, and the interests concerned are so important, it would be most unwise, I think, to stand on official etiquette. I incline to think that the best course would be for the department more immediately connected with railways—the Board of Trade—to issue a circular to the heads of companies, containing not the minute details of the measure proposed by the Government, but its general principles. For instance, it would be proper to notify that the opinions of the majority of the holders of shares, that is to say, of persons holding half the shares in a company—against any further proceedings upon any Bill, would avail to prevent legislation upon it. The Board of Trade might, I repeat, notify that if the holders of half the shares, by however small a sum that is exceeded, express a wish to withdraw their Bill, the Government will advise the Legislature not to proceed upon it. I will communicate immediately with the President and the Vice-President of the Board of Trade; and I consider that if some public notification is immediately made by Government—which cannot, however, of course, be binding upon the Legislature—that would intimate to directors, and through them to the shareholders, what course the Government intended to propose on the reassembling of Parliament.

Order of the Day read, and Committee of Supply postponed.

House adjourned at half-past Three o'clock, to Friday, the 17th inst.

HOUSE OF COMMONS,

Friday, April 17, 1846.

Minutes.] Public Bills.—2°· Commons Inclosure. *Reported.* Railway, &c. Deposits; Insolvent Debtors (India).

Petitions Presented. By Mr. Trelawny, from Inhabitants of the Towns of Beeralston and Calstock, for Better Observance of the Lord's Day.—By Mr. Greene, from Secular Clergymen and Laymen of the Town of Lancaster and its Vicinity, in favour of the Roman Catholic Relief Bill.—By Mr. John O'Connell, from Repeal Wardens of the Town of Wexford, for providing Chaplains for Roman Catholic Soldiers.—By several hon. Members, from various places, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. Baker Cresswell, from Poor Law Officers of Morpeth Union, for a Superannuation Fund for Poor Law Officers.—By Sir Charles Coote, from Medical Practitioners of Portarlington, for the Better Regulation and more Efficient Support of Medical Charities (Ireland).—By Mr. John Collett, from Athlone, against the Protection for Life (Ireland) Bill.—By Mr. Spooner, from Joshua Toulmin Smith, complaining of the Conduct of an Officer of Excise who had entered his House under Pretence of Searching for an Illicit Still, and for Inquiry.

DISTRESS IN IRELAND.

Mr. DILLON BROWNE wished to ask the right hon. Baronet at the head of the Government, a question on a subject with respect to which a great necessity existed that the public mind should be satisfied. He wished to know whether he had received any official intelligence or authoritative statements sufficient to convince him of the fearful state of many parts of the south of Ireland. The distress had attained such a height that several attacks had been made on mills for the purpose of obtaining provisions, and many cars laden with flour had been plundered, as well as boats similarly laden. He wished to know whether this information had reached Her Majesty's Government, and whether proper steps had been taken to meet the emergency.

Sir ROBERT PEEL replied that every post brought alarming details of the distress to himself and to his right hon. Friend the Secretary for the Home Department; and, speaking generally, he thought that the people of Ireland bore the privations to which they were subjected with

great forbearance. There had been one or two instances of a disturbance of the public peace: such proceedings of course must be suppressed; but he could assure the hon. Gentleman that every exertion had been and was still being made by the Government here to relieve this distress. The hon. Member would recollect that all along he had predicted what would ensue, and that he in consequence proposed a remedy. The hon. Member was aware of the important remedy which he had proposed to facilitate the access of food to the people of Ireland.

PROTECTION OF LIFE (IRELAND) BILL—ADJOURNED DEBATE (FOURTH NIGHT).

Sir J. GRAHAM moved the Order of the Day for the Adjourned Debate on the first reading of the Protection of Life (Ireland) Bill.

Mr. W. SMITH O'BRIEN did not rise to propose the postponement of the Order of the Day, but to make an appeal to the Government with respect to that part of Ireland with which he was connected. He had taken the liberty of stating, five weeks ago, that the measures of the Government were altogether inadequate as a remedy for the state of Ireland, and the right hon. Gentleman seemed to have made a charge against him for so doing. Every day showed the importance of resorting to more energetic measures. He hoped that the delay would not take place until the people were dying by thousands, and he certainly could not conceive what further information the Government could want. The circumstance of extensive starvation did not often occur in any country, but a deficient supply of food often produced extensive disease; it appeared, however, that in Ireland instances had occurred of positive starvation. He had found this in reports of coroners' inquests in the Irish newspapers. For instance:—

"Death from Destitution.—Roscommon.—On Sunday morning a poor man was discovered within half a mile of this town, stretched by the ditch, and apparently some hours dead. An inquest was held by the coroner (B. Keogh, Esq.), and after the examination of the body by the surgeon, the jury found a verdict 'that the poor man died from destitution and hunger.'"—*Roscommon Journal.*

He found a similar case in a Limerick paper, where the verdict was that the man had died of starvation:—

"Death from Starvation.—A man died of starvation at the public works at the Island, on Thursday. The poor men who were his fellow labourers, and not in much better condition, subscribed on the spot a penny each to relieve the immediate wants of the deceased's family. The noble conduct of these poor honest fellows, who, whilst food is so very high in price, freely gave a twelfth of their hard day's earning, is worthy of imitation by those who expend hundreds on the luxuries of life."

He would refer to another statement as to the state of the country:—

"Fearful Destitution.—The intelligence in our columns of the increasing distress of the labouring population of Limerick, Clare, and Kerry, is most fearful, and the accumulating wants of the people combine to precipitate a crisis which the kindly sympathies of every Christian bosom must be earnestly solicitous to avert. We could wish to keep this grievous spectacle of human misery and suffering in the far distance, as a visionary or passing creation of 'the mind's eye;' but the sad reality is so broad and substantial, that we cannot longer turn away from the horrors of actual and appalling destitution which now encompass us at every side. We have proof already that many wretched families in the interior of the country are starving upon one meal of bad and insufficient food in the four and twenty hours! The district relief committees have heard the warning voice, and the imploring cry of the hungry poor is painful to the ear. Voluntary private benevolence is doing much, but not more than it ought in such a deplorable calamity. Government must come to the rescue with more speed and effect, or the catastrophe will be overwhelming."

He gave credit to the Government for passing the measure for the introduction of corn; but he had been utterly astonished at the last letter which had appeared, stating that provisions were at a starving price at Cork, and that the committee for the relief of the town were anxious to get a supply of Indian corn, to be sold at a low price. It appeared that they had obtained a certain quantity for a short period; but by some arbitrary proceedings, which the people of Cork did not understand, this was put a stop to. Application had therefore been made to the Government on the subject, as would be found from the following extract from a Cork paper. The *Cork Reporter* of Saturday says:—

"The relief committee have, we rejoice to say, thrown off the Castle incubus that weighed like a nightmare on their energies. To-day there are six depots selling out Indian meal, which arrived by the Nimrod on Thursday, at 8*d.* per 7 lbs., 10*s.* 8*d.* per cwt., just 2*d.* per cwt. over the rate the commissary charged for the six tons he gave the committee, for he fixed the prices not at 9*s.* 4*d.* per cwt. (1*d.* per lb.) as expected, but at 10*s.* 6*d.* per cwt. We pray the public to remark that that price (10*s.* 8*d.*) will cover, we understand, the cost of the Indian meal bought this very week in Liverpool, after a considerable rise had taken place in its price, and after paying the freight and charge of bringing it per steamer; while the Government, for meal ground from corn bought months since at first market price, directly imported here, charge within a mere fraction of that 10*s.* 8*d.* Was there ever anything so monstrous? Yes, there is something more monstrous still: they refused

to give it to a starving people, even at that exorbitant price. The committee, besides the Indian meal, are retailing whole meal to the people at 1½*d.* per lb., which will meet the fears of those who think that the Indian meal alone, however cooked, may not agree with the constitutions of our people. The following letter contains the Government ultimatum in respect to supplying, or rather denying, to the starving poor of our city any portion of the Indian meal stored by the authorities:—

"Castle, Dublin, April 9, 1846.

"Sir—I have to acknowledge the receipt of your communication of the 5th instant, inquiring, for the information of the relief committee of the city of Cork, whether it is the intention of Government to permit them the use of Indian meal from their depot at Cork, and am directed to state, in reply, that depots for the issue of Indian corn meal are now forming in the country; but it is intended to reserve issues from these depots for the more heavy pressure during the summer months, when farm labour shall have ceased, until which time it is expected that the landholders and relief committees will exert themselves to meet the existing distress.

"These are the views of Government. The country is sure of the provision which is now collecting for them; but all parties must co-operate to reserve it for the most trying period, when it can be simultaneously applied for the relief of the whole country.

"Premature issues would be wasting these resources.—I am, Sir, your obedient servant,

"J. P. Kennedy, Secretary.

"Rev. Wm. O'Sullivan, R. C. C., Cork."

He had thought that the object of introducing Indian corn was to supply the exigencies of the present moment; but it appeared, according to this extraordinary communication, that it was not intended to afford assistance until famine came in all its force. He wished the Government to look at the situation of the Irish labourer. The Irish labourer did not depend on the wages that he earned for the means of maintaining himself and family. He obtained a small piece of land, for which he had in most instances to pay a high rent, and by the produce he thus obtained he was enabled to maintain his family. But if, as at present, the crop failed, he had nothing to fall back on in consequence of being unable to obtain employment unless for a very short period. In many parts of the west and south of Ireland, the population could not obtain employment. But, supposing that they were able to do so, the average rate of wages was from 6*d.* to 8*d.* a day; and any one acquainted with that part of the country knew that the price of potatoes was so high as to be, with this rate of wages, a famine price. The price of potatoes was double what it was in ordinary years. He would ask the right hon. Gentleman whether he meant to wait until this state of things occasioned an outbreak of the people? This must be the end of allowing things to remain as they were. It was monstrous to talk of the rights of property when the people were literally starving. There could be no doubt that a people in such a condition would rather be shot than starve. There had been a meeting of several thousand labourers in the county which he represented, to take into consideration their condition as regarded a supply of provisions. He would not go into a detail of what passed there; it was sufficient to say that, by the aid of the Roman Catholic clergy, who on all occasions exerted themselves for the preservation of the peace, the meeting was induced to separate without any attack having been made on property. Some of the papers state that an attack was made in the county of Clare on a boat on the river Fergus, laden with flour, which was plundered. It should be recollected that in no part of Ireland had the potato disease caused so much distress as in Clare. The following was the account which he referred to:—

"Plunder of a Provision Boat.—On Wednesday morning, as the smack *Maria*, the property of Mr. John N. Russell, of this city, was proceeding from Limerick to Clare, laden with flour and Indian meal, she was boarded near Smith's Island, in the Clare river, by about fourteen armed men from a lighter, who ordered the crew (three men and a boy) into the cabin. They held possession of the cabin over six hours, during which time they took away about one hundred sacks of prime flour and twenty of Indian meal, valued at 250*l.* They then departed, first ordering the crew to remain at anchor at their peril, until they returned for the remainder of the cargo. This order the crew did not obey, but started instantly for Clare, and were pursued by a boat filled with armed men. Mr. Russell's agent (Mr. Reardon) at once reported the occurrence to the magistrates and police. Warrants are issued, and about thirty sacks of flour have been recovered. Several boats that were passing at the time of this outrage were ordered to anchor, and had to remain so during the day, with the exception of the Dublin Company's boat, the *Royal George*, which was allowed to proceed unmolested. Mr. Richard Russell left yesterday for Ennis, to aid in recovering the property, and discovering the perpetrators of this audacious outrage. He returned last night, having discovered fifty-one bags of flour, belonging to his father, hid under the ground near Hurlers' Cross, on the road from this city to Ennis."—*Limerick Examiner.*

Again, he found it stated in the *Limerick Reporter* of Tuesday—

"If the following from two respectable correspondents, descriptive of scenes that took place in Clonmel and Tipperary on yesterday, bring not the Government to a sense of their duty, we don't know what will: 'Tipperary, Monday Evening.—This town presented a picture of anrachy and confusion this day, which, it is to be apprehended, will lead to frightful consequences. A dray, laden with

flour, was seized in the centre of the town by the starving people, and, despite of the police, the greater portion carried off. The police acted with great forbearance, as in their efforts to protect they were pelted with stones and other missiles, and the chief constable, Mr. Egan, much injured. The army were immediately called out, and peace for the present restored. The destitution here is much increased by the price of fuel, ten shillings being the price of a small loaf of turf, which is retailed to the poor at one halfpenny the sod. The patience and forbearance of the starving people is wonderful under such privations, and no efforts made to procure employment for them.'

"Clonmel, April 13.—At one o'clock this morning a mob consisting of four or five thousand of the unemployed and destitute poor, collected on the road about two miles from the town of Clonmel, and did not proceed to any violence until twelve o'clock, when a police officer rode into town for the military, in consequence of Mrs. Shanahan's mill (situate at Marlfield) having been attacked, and several sacks of flour carried off from it. Such was the excitement and apprehension, that all the military under the command of Major Galloway was called out, to the extent that the recruits were alone left to guard the barracks. Just at the period of the commotion, when the soldiers were proceeding under arms through the town, together with mounted artillery with their cannon, they were passed by at least two hundred and fifty carts laden with flour for exportation (the property, principally, of Messrs. Grubb and Sargent), coming from Caher, under a heavy escort of cavalry and infantry, which had been called out for the purpose early in the morning, so that the town presented all the appearance as if under siege. Before the cavalcade arrived at Marlfield the crowd had dispersed, intelligence having been conveyed to them of the armed force that was approaching.'"

The circumstance which appeared most aggravating was, that the people were starving in the midst of plenty, and that every tide carried from the Irish ports corn sufficient for the maintenance of thousands of the Irish people. Was it not, then, surprising that there should not, under such circumstances, be more attacks on property? And the right hon. Gentleman at the head of the Government should recollect that the people of Ireland were only at the commencement of their famine; they would yet have to undergo some four or five months more of distress; and he would once more solemnly appeal to the Government and ask whether their present measures of relief were adequate to meet the case of the Irish people? He might say that, with respect to the resident gentry in Ireland, the majority of the landlords were benevolently contributing to the relief of the people; but it should be recollected that the pressure fell very heavily on them. He believed that every landlord would do everything in his power to give increased employment to labourers. With respect to the aid which would be afforded by local subscriptions, it should be remembered that those who contributed submitted to a voluntary tax, giving what they pleased; and there might be some who would not contribute at all. He did not find that absentees were called upon to contribute, as they should be. There should be some additional assessment for the relief of the poor in a crisis like the present. He would by legislative enactment at once call for increased contributions, for local purposes, from all absentees. He had always thought that the poor had the first claim on the property on which they were located. Neither was the Poor Law, as it existed in Ireland, a system calculated to benefit the people of that country. The poor man, when he applied for work or assistance, was told he must go to the workhouse. Now, the workhouse system was not one on which they could rely in an emergency like the present, and the repugnance of the Irish people to resort to the workhouse was almost irresistible; and he trusted that this feeling would continue. Surely it was the business of the Government to enable the Irish poor, who were willing to work, to have the means of doing so. He thought that they ought to be encouraged in this desire; but what had the Government done for them? The right hon. Baronet had told the House that a sum of 400,000*l.* was available for the purpose of giving employment to the labourers of Ireland. Now he wished that the House would analyse the mode in which this sum was to be expended. The right hon. Baronet had brought in one Bill to encourage drainage; and had that Bill been introduced last autumn, it might have been attended with considerable benefit. He was not going to say that the Bill might not be useful in some small degree; but he was very much afraid that the right hon. Baronet would find it altogether inapplicable to meet this distressing crisis. The right hon. Baronet enumerated among his measures that which granted certain loans for the improvement of land under the Board of Public Works. He (Mr. S. O'Brien) was not aware of any instance in which this fund had been resorted to. The right hon. Baronet also alluded to some great undertakings for promoting the improvement of navigation in Ireland. He had heard of no such works being yet commenced. The right hon. Baronet had, however, informed them that a portion of the sum of 400,000*l.* had been laid aside for this purpose. The right hon. Baronet also stated that the County Pre-

sentments Act would bring into circulation an expenditure of 100,000*l*. Now, he could inform the right hon. Baronet, that with only one or two exceptions the Grand Juries had decided that this measure was altogether inapplicable to meet the present distressing crisis. That Act would go, not to the benefit of the labouring classes, but to the people who did not require assistance. Another of these measures was the Fisheries Act. He thought that that was a very good Act, and hoped it would be successful; but, so far as he had observed during his residence in Ireland, it had not yet come into operation, nor was it likely that it would during the present pressure. There remained only another Act for him to speak of, and that was the Public Works (Ireland) Bill. It would be a very useful Act if the Government would only facilitate its operations. Public meetings had been held in many parts of Ireland to promote and expedite the operation of this Bill. The amount sanctioned to be expended by the provisions of the Bill was 50,000*l*., and that would just give 1*s*. per head to a million of people, for in the course of a few months a million of individuals would require the assistance it was intended to give. A very large number of applications had already been made to Government, not for charity, but employment under the provisions of the Bill. He confessed, that with reference to those provisions, they seemed most desirable in their nature; but he thought that it was the duty of the Government to bring to the aid of the local exertions made on this emergency the funds derived from general contributions, and from the grant of the State. The consequence of such a proceeding would be, that the people, instead of applying for public and indiscriminate charity, would be employed, and the works undertaken to give them employment would be such as would be useful in themselves. He asked the right hon. Gentleman to state to the House what he knew with respect to the applications that had been made for employment on those works, for which 50,000*l*. had been granted. He believed that the applications already made would warrant the expenditure of 500,000*l*. He could not refrain from expressing his regret that Government should think it necessary to couple the question of Ireland with the question of the Corn Laws. These laws did not affect that description of food available for the people of Ireland. He was one of those who differed from the great majority of the hon. Members at his side of the House—he meant with respect to measures to alter the Corn Law, which he had no doubt would be of service to this country, but would for some time be injurious to Ireland. He would also say that it was a still more unfair and ungenerous proceeding in the conduct of the Government, with respect to Members who differed from them, to mix up the question of the Corn Laws with the Coercion Bill. Did the right hon. Gentleman forget the Parliamentary proceedings in 1833, when the same course was readily allowed to the Irish Members to oppose the then Coercion Bill on the first reading, as they had now adopted? Was it fair then to taunt hon. Members with throwing impediments in the way of the people of Ireland getting relief, because they would not consent to a measure which would be the greatest infliction that country could suffer? Why, the Irish Members had no remedy. If they had not adopted this course, they would lose, and deservedly so, the confidence of their fellow countrymen. They were determined to resist this Bill, and they would do so in all its stages. This measure was passed by an English majority, and against the feeling of a majority of the Irish Members; and he felt that there was so much justice in the opposition of this Coercion Bill, that he believed that it never would pass that House. The people of Ireland were alienated, perhaps irrevocably, from this Parliament; and as regarded the Government, it was their duty to have separated the Coercion Bill from measures to meet the prevailing famine. How different would have been the conduct of an Irish Government and an Irish Parliament! An Irish Government would have summoned an Irish Parliament to meet in November last, to consider the steps necessary to meet the unforeseen calamity; instead of coupling measures of coercion and relief, they would never have dreamed of uniting them, and out of the resources of Ireland they would have made preparations to prevent famine among the people. However painful might be the task, he had felt it his duty to throw the responsibility upon Government; and in his conscience he believed that for whatever loss of life might arise from want of food, or from outbreaks the result of want, Ministers would be answerable.

SIR. J. GRAHAM: Sir, after the speech which the hon. Gentleman has just delivered, although I am most anxious to avoid

any postponement of the adjourned debate, I should be inexcusable if I did not address a few words to the House; but I will confine myself almost wholly to answering the questions put by the hon. Gentleman. I am sure, Sir, that there is no one Member in this House who will not bear witness that I have not underrated the sad calamity with which Ireland is afflicted. There is no Member in this House who has stated more broadly and more distinctly the great apprehensions to be entertained of the extent of that calamity, and of its increasing pressure, than I have. At a very early period after the House met, I enforced on the attention of the House, from the best information which we could obtain, the fact that this calamity was widely spread, and that in the course of the next spring and summer it would be greatly increased. I, therefore, cannot be accused of concealing or underrating this great calamity. We have not denied the responsibility of the Government in this emergency. We have resisted upon grounds which we thought sound the propositions made by hon. Gentlemen on the other side of the House, which would have relieved the Government of some portion of this responsibility, and would have transferred it exclusively to the proprietors of the soil in Ireland; and with reference to the present condition of the proprietors of the soil we have declared, upon the whole, in the midst of the present emergency, that we would not be parties to any such exclusive increase of the local burdens. I am well aware that nothing but the extremity of the present emergency, and the unusual state of things now existing, will justify our measures for feeding the people under the sudden calamity of an approaching famine. Those who are conversant with the working of the Government must be aware that its machinery is not adequate to any such object. It is nothing discreditable to the present Administration to say that we were taken more or less by surprise; it was necessary to provide the machinery for our purpose; the performance of that machinery cannot, in all its parts, be altogether and at once perfect, and some allowance ought to be made to the Government for the difficulty in its working. I will now proceed to comment very briefly on what the hon. Gentleman has further added. He has said, speaking upon the authority of a news paper, but not giving any case upon his own authority, that instances of death from destitution have occurred. The hon. Gentleman relies upon a single newspaper; and I may be permitted to say that no official account has been received of so fearful an event. One of the cases to which the hon. Gentleman referred was that of an individual whose strength failed him, and who lost his life when he was actually taken into employment. That employment may have been postponed too long: still that individual was employed. I admit. Sir, most fully, the feeling which prevails in Ireland of an unwillingness to enter the workhouse, and therefore we cannot wholly rely upon any argument founded upon the empty state of the workhouses: still, when it is said that distress prevails to such an extent as to endanger life, it must be remembered that throughout Ireland there are workhouses provided, and that in no one instance are they full. [Mr. O'Connell: Dublin.] Perhaps Dublin is an exception; but it was the counties of Clare and of Limerick to which the hon. Gentleman more particularly alluded; and I am sure that in neither of those counties are the workhouses full at the present moment. I think, Sir, that the hon. Gentleman and I are agreed upon the main principle which ought to regulate the operations of the Legislature and of the Government in their endeavours to provide the means of meeting the present emergency. The hon. Gentleman, and those who sit around him, condemn any distribution of gifts or alms: with respect, at all events, then, to the able-bodied poor, we are agreed that finding employment, and so distributing wages, is the legitimate mode of giving relief. Now, our endeavour has been to find work, for that we conceive to be the legitimate mode of affording relief, and the best relief that we can give to the able bodied poor in the present emergency. The hon. Gentleman has referred also to a particular source of supply—the Indian corn. Sir, when they anticipated the coming events, the Government, acting on its own responsibility, departed from the ordinary—I might almost say from the legitimate—course of a Government, and ordered a large importation of Indian corn. They did not so order it for the purpose of meeting the entire wants of the Irish people, but for the purpose of checking the markets, of preventing the holding back of corn to enhance the price, and of arresting the progress of the very evil of which the hon. Gentleman complained—that, in midst of plenty, when the crops of oats had been unusually large, the

supply of oatmeal was so limited that the price was raised one-third. I am aware how difficult and delicate an operation it is to adjust the supply of food to the wants of the people. That is one of the objections to the present Corn Laws: they attempt this very adjustment, which no law can secure; and it is a case of no little difficulty so to regulate in particular localities the addition to the supply of food, that while we encourage such an influx as will reduce the price and add to the maintenance of the people from a public source, the people are not led to rely upon that public supply exclusively for subsistence. Sir, we never said that this foreign supply would be sufficient for the whole population of Ireland; but we believed that, under the judicious management of this supply, the markets could be so regulated as to prevent an exorbitant price for native produce. This was the rule in the case of Cork, adverted to in the answer of Mr. Pennefather to the request for a further supply of Indian corn. I am happy to say that, upon private speculation a large quantity of Indian corn, in addition to that provided by the Government, has been introduced into Ireland, and that the price is very moderate, so moderate indeed—the duty under the Order of the Treasury having been suspended—that Indian corn is cheaper in many parts of Ireland than oatmeal. The prejudice which was entertained against it is rapidly subsiding. It is found to be a healthy and agreeable food, and there is a general disposition amongst the Irish people to consume it. I trust that the effect of this disposition will far outlive the present emergency, and that the people will henceforth be induced to subsist on corn, whether grown at home or imported from abroad, in preference to potatoes, which have hitherto been so exclusively used. The hon. Gentleman has said also that there are cases of such extreme destitution, ending in the loss of life, as to justify the statement that the people of Ireland are starving in the midst of plenty. I am sure the hon. Gentleman will admit, that whatever may be the efforts of the Government, it is utterly impossible that such a state of affairs can be satisfactorily met if the Government alone is left to deal with the emergency; if the proprietors of the soil and the richer portion of the community do not come forward generously, liberally, and freely, to aid the efforts of the Executive. The hon. Gentleman asked me, "What has the Government done?" It is my duty, however, to ask him—I may, without imputing blame, for there are honourable exceptions—but what, I ask, have the wealthy—what have the landlords of Ireland done? We have done our very utmost. Lord Lincoln, nearly a fortnight ago, proceeded to Ireland under the apprehension that there was not sufficient activity; and that there might exist some impediments to the operations of the Government which it would be desirable to remove, and to ensure a more immediate adoption of those measures of relief which it was necessary to afford. I am bound to say, that with reference to two of the measures already introduced, the effect has not been so successful as we had on the whole anticipated. The hon. Gentleman had alluded to the Grand Juries Presentment Act. That was a measure by which we offered, on the part of the public, to advance 100,000*l.*; which, through the medium of contract works, might have employed a large number of people. It was a measure intrusted to the grand juries; in other terms, it may be said to have been left to the discretion of the landlords of each county; but they have refused to avail themselves of that Act of Parliament; they have very generally declared that they will not act upon it; and, therefore, our tender of 100,000*l.*, to be immediately available, has practically been rejected. I regret this extremely. The measure was of a permissive, not compulsory, character; but the grand juries of Ireland have not thought it right to take advantage of its provisions. There was some truth also in the observations of the hon. Gentleman, with respect to the Drainage Act. I could have wished that Act had been introduced earlier, before the emergency was so pressing; if it had been introduced earlier it would, no doubt, have been more generally available; but still, I am happy to say the hon. Gentleman has not been correctly informed when he says that no applications have been made for advances under that Act. There have been some applications already for loans under that Act. The annually available sum is 60,000*l.*; and since the measure of the present Session, giving additional facilities for bringing it into operation, passed, already from 30,000*l.* to 40,000*l.* have been advanced. Of what may be called the substantive measures of relief tendered by Government to meet the emergency, the most important is, undoubtedly, the Public Works Act. While advances

are made on the part of the public, it secures payment of a moiety on unexceptionable security; and provides that the public works selected are the most proper that could be adopted to add permanently to the productive power and wealth of Ireland. I, therefore, was a decided advocate for the Public Works Act, as presenting the most legitimate means of relief, and converting, I trust, present calamity into permanent sources of future prosperity and welfare. The hon. Gentleman has truly stated that under the Act of Parliament the amount now available is limited to 50,000*l.* I have no hesitation in stating to the hon. Gentleman and to the House, that on our responsibility we have told the Irish Government not to consider that limit of 50,000*l.* as final and not to be exceeded. We have desired the Irish Government to investigate all the propositions made for new public works according to the provisions of the Act; and if 50,000*l.* should be considered insufficient, on our responsibility we have declared our willingness to sanction advances to a larger amount; and before the end of the Session it will be our duty to bring the entire case before Parliament. Instructions have already been sent over to Ireland to this effect; and, although the sum nominally available is only 50,000*l.*, all tenders, all applications for advances on public works shall be entertained by the Commission, and be investigated according to the terms of the strict rule which Parliament has prescribed, save only with respect to amount of advance; and, on that head, as I have stated, at a future period of the Session we will come forward and announce the sum which, in conformity with the Act, it may be necessary to provide; and I rely with confidence on the readiness of Parliament, under the pressure of existing circumstances, to sanction any advance which may be necessary beyond the amount now specified in the Public Works Act. The hon. Gentleman stated that an Irish Parliament and an Irish Government would have acted in a different spirit from what we have displayed on this occasion. I will not lay stress on the terms "an Irish Government," because it may mean a Government separate from the Crown of England, which I hope the hon. Gentleman would disclaim; but if the hon. Gentleman meant that a British Government, acting through the medium of an Irish Parliament, would have acted more generously, I must say, I really do not think that an Irish Parliament could have dealt with a case of this description in a spirit more generous, more confiding, more anxious to meet the emergency, than the British Parliament has exhibited on this occasion. Already Parliament has sanctioned, since we met, either in the shape of grant or loan, advances to the amount, as I have before stated, of above 400,000*l.* Under the Public Works Act the sum to be advanced is limited to 500,000*l.*; but I have to-night announced, that on our responsibility that limit will be removed; and I am sure—with no misplaced confidence on the feelings of the British House of Commons—I may say that neither this nor the other House of Parliament will impose any limit to any advance which shall be made conformable to the principles established in the Public Works Act, provided the public be protected against jobbing; but that advances will be made in a spirit not unworthy either of the British or Irish people. The hon. Gentleman has again referred to the necessity of establishing a system of relief to the able-bodied under the Poor Law. Now, I must say that the authorities in Ireland, with reference to the policy of such a provision, are by no means agreed. If I mistake not, the hon. and learned Gentleman the Member for Cork (Mr. O'Connell) differs widely from the hon. Member from Limerick on this point. I must say I agree with the hon. and learned Gendleman the Member for Cork, and differ from the hon. Member for Limerick. The hon. Gentleman, in the course of his observations, has himself, I think, virtually condemned that proposition. Vindicating the conduct of the Irish landlords, he said, they do habitually employ at least as large a number of labourers out of their private means as their fortunes will allow. But the inevitable effect of levying by forced rate a sum for the maintenance of the poor would be, that what you give as relief would have to be taken from the maintenance given to those you employ in the shape of wages. ["No, no!"] I am now talking of the resident landlords. I understood the hon. Gentleman to say that the resident landlords generally even exceeded their means in employing labourers; at all events, they went to the utmost extent of their means. Well, the inevitable effect of imposing a rate for the maintenance of the able-bodied would be greatly to diminish those means; with the diminution of those means, the laudable desire so to employ labour would cease;

and with respect to the employed, the inevitable result would be, you would extinguish the independent feeling of honest labourers—you would reduce them to the position of the pauper; their independence would cease, their spirit would be lowered, and the tone of society to that extent would be degraded. On this topic I only wish to point out that even here, while this question is discussed by hon. Members sitting on the same side of the House generally agreeing with respect to Irish policy, there is the greatest difference of opinion among Irish authorities. But, Sir, the hon. Gentleman said that an Irish Government would have called an Irish Parliament together in November for the purpose of considering this question.

"This was the unkindest cut of all;"

for the hon. Gentleman knows well that we—my right hon. Friend at the head of the Government and myself—are not responsible for not having taken that precise course. We cannot be fairly charged with neglect in this respect. The hon. Gentleman says that the subject of scarcity in Ireland is unjustly connected with the Corn Laws. I won't argue that question over again. I have repeatedly stated that I think this question of Irish scarcity is indissolubly connected with the Corn Laws. It was the urgency of this very case that forced on me the reconsideration of all my former opinions on this subject—it was the urgency of this very case which convinced me that you cannot postpone, with justice to Ireland, much less to Great Britain, an immediate settlement of the Corn Laws by the abolition of those duties that impede the free importation of human food. With reference to the other measure, which the hon. Gentleman complains has been mixed up with the existing distress in Ireland—namely, the measure for the prevention of the horrible crime of assassination and lawless outrage which prevails in a small number of counties in Ireland; I do not think it would be proper that I should now longer interpose between the House and the further consideration of that important question. The hon. Gentleman has complained that we have taunted the Irish Members with having unfairly retarded the progress of the Corn Bill. Neither my right hon. Friend at the head of the Government, nor any other Member of the Government, has taunted the Irish Members with the conduct which they have thought it their duty to pursue. On the present occasion I have contented myself with briefly answering the questions put to me by the hon. Gentleman. After five nights' debate, I hope the discussion on the first reading of the Protection to Life in Ireland Bill will now be allowed to proceed; and after the first reading we shall make progress, I hope, without interruption, in advancing towards the final settlement of that great question which presses for immediate decision, whatever part of the British Empire, with reference to its vital interest, is considered—the Bill for abolishing the duties on the importation of foreign corn.

MR. E. B. ROCHE said, that although he did not concur with the right hon. Baronet who had just sat down, as to the desirableness of proceeding with this Bill, he would not detain the House at any great length with a view of interrupting its progress. He did not believe that the Government intended doing much for the substantial relief of the people of Ireland. It was quite true that the right hon. Baronet had uttered sentiments of commiseration and feeling for the Irish people. The right hon. Baronet had also uttered a strong rebuke to the landlords of Ireland for not aiding the Government to the best of their power in relieving the wants of the people. For those sentiments, as far as they went, he thanked the right hon. Baronet; but, at the same time, he should better pleased did he hear the right hon. Baronet say, as the representative of the Executive Government of this country, that the Government did, in point of fact, intend doing something substantial towards relieving the calamities and distresses of the people, and that it was their intention to provide ample means for supplying the people of Ireland with food. He did not intend to make any allusion to the question between his hon. Friend the Member for Limerick and the right hon. Baronet, as to whether an English or an Irish Parliament would do most for the relief of the people of Ireland. He would also refrain saying anything about the *vexata questio* of the Poor Laws; but this he would say that the Government of this country, if they took upon themselves the government of Ireland, ought to do something more substantial than making plausible and feeling speeches—they ought to do something more substantial for supplying the people of Ireland with food. Now the right hon. Baronet had thrown himself to a certain extent (if he might use the expres-

sion) upon the indulgence of the House with regard to the difficulty which the Government felt in obtaining and introducing into Ireland food for the people. The right hon. Baronet had told them that there was a great want of machinery which the Government could use. His hon. Friend the Member for Limerick had alluded to the mode in which the Indian wheat had been distributed by the officer of the Government in the city of Cork. Now, without imputing to the Government any intention of aggravating the distress of the people at the present moment, he would, at the same time, tell them that the effects of the acts of the Government, with regard to the distribution of that corn, was to aggravate in a very serious degree the distress of the people in the south of Ireland. What were the facts?—and one fact was better than a thousand arguments. The distress in Cork was very great; and the Gentlemen in that city assembled and formed themselves into a relief committee, and elected a secretary. At that time there was a depôt in Cork, containing a large supply of Indian meal. An application was made to the secretary of the relief committee in Dublin, stating the distress of the people—distress which he (Mr. Roche) knew, from his own knowledge, was not exaggerated—and calling upon him to allow a distribution of the Indian meal in depôt at certain prices—in fact, at cost price. The secretary, after some deliberation, acceded to this request, and a considerable quantity of meal was distributed among the poor of Cork. So far so good. But when the quantity which they were allowed to distribute was expended, they renewed their application to the secretary in Dublin, and their first letter was unanswered. On the second application they received the letter which his hon. Friend had read to the House, and which was written by the Dublin secretary. That letter stated that, in point of fact, the Government had changed their minds with regard to the distribution of the meal, and that the people of Ireland were to be thrown upon their own resources. The consequence of this was, that an impression went abroad that not only for the present, but for a long time afterwards, the Government were not prepared to do anything for relieving the distresses of the people. Thus, they created a very great discontent among the people of Ireland, because they in the first instance raised their hopes by holding out to them, and in part realizing the expectation that food would be afforded them, at reasonable prices, and afterwards they turned round and said in effect we have food here, but you shall not get more of it: that course, as he had said, created a feeling of dissatisfaction. Its effect was even worse, for the speculators in corn in Liverpool, and other places, had the opportunity of reading this letter, as well as those to whom it was addressed, and they naturally enough said to themselves, this food is to be shut up for some months still; and they therefore raised the prices of Indian meal. Those prices were raised in consequence of this letter which had been received from Dublin. The right hon. Baronet seemed to doubt that fact; but he had a painful knowledge of it, because he was in treaty for a large supply of Indian meal for his own people, and he knew that it was rated at a higher price than it was a fortnight since. It was impossible for any man to exaggerate with respect to the want of food in Ireland. In that part of the county of Cork in which he resided, which usually supplied other parts of the county with food, hundreds of people were, to his own knowledge, obliged to consume the potatoes which they intended for seed; and that consideration alone ought to be sufficient to induce the Government to bring a large supply of Indian corn into the markets. The impression which the speech of the right hon. Gentleman left on his mind was—but he hoped he misunderstood him—that the supply which the Government had in the country was trifling. With respect to his own part of the country, he had great pleasure in being able to say, in answer to the speech of the right hon. Gentleman, that the landlords there, always excepting the absentees, were doing what lay in their power. He was himself at that moment—he did not say it in order to obtain any credit for it—giving employment to about four hundred persons, whose wages he paid weekly; but there was the greatest possible difficulty in obtaining food. When he had performed his duty by voting against the first reading of the present measure next week, if so early, he would proceed to Liverpool, to lay in a stock of food for his own people. He advised the relief committees in Cork to put themselves in correspondence with the brokers in Liverpool, in order to obtain supplies of Indian meal for the people. At present the price of potatoes was most unreasonable, not less than 3*d.* a stone for ordinary qualities; and it was 4*d.* and 5*d.* a stone for the best. But even these high

prices were fictitious, for there was absolute difficulty in getting the article at all. Large dealers had told him that they were unable to get sufficient for their own use, much less to meet the demand. He did not believe, if the people were to use the potatoes which were required for seed, that there would be more than three or four weeks' supply in all Ireland. That was a fact which could scarcely fail to come home to them with a sort of thoughtful conviction. It was a fact which he stated with all solemnity, and as a landed proprietor whose duty and pleasure it was to be acquainted with the wants of the people. He believed that hundreds and thousands would get up to-morrow morning in Ireland without knowing where to get a supply of their daily food. Her Majesty's Government, therefore, must excuse him for saying that it was in the highest degree incumbent on them to apply themselves to overcome the practical difficulties which stood in the way of supplying the people with provisions. They ought to cause further orders to be sent to America for supplies of Indian meal. Some department of the Government, at least, ought to apply itself to the question instantly. They ought not to wait until the eleventh hour—until there were fifteen or twenty such sackings as those they had read of in the papers of that morning as having occurred at Clonmel. If they did remain idle, they might depend on it that they would speedily hear of outrages which every man would regret. Fine speeches from the Government would not now answer. There was an old proverb, that "sweet words butter no parsnips," and certainly sweet words would not fill empty bellies. It was time now, if ever it was time, to be up and doing. Let the Government act, and not talk. They had taken upon themselves to govern Ireland, and it was now time that, before God and man, they should attempt to govern it, so as to prevent the horrors of a national starvation.

Sir R. PEEL: The hon. Gentleman who has spoken last has, I am sorry to say, brought a melancholy confirmation of the impressions under which we have from the first acted in reference to Ireland. About a fortnight since we had occasion to defend ourselves from the charge that we had exaggerated the present scarcity in Ireland—that we had used an admitted scarcity in some parts of the country for the purpose of promoting the success of a measure permanently affecting the commercial interests of the country. Returns were moved for the price of potatoes in different parts of Ireland, from which the inference sought to be drawn was, that the scarcity was confined to some parts of the country; and that was the charge which a fortnight since we had to defend ourselves against. But my own impression, which has since been unhappily confirmed, was, that as spring advanced very severe pressure would be felt in that country; and the hon. Gentleman, who has just returned from Ireland, now brings a striking confirmation as to that part with which he is connected. We have been charged with contenting ourselves with mere fine-spun speeches and soft words; but the hon. Gentleman, and those who think with him, might do us the justice to reflect that Government may feel extreme difficulty in adopting measures which may have a tendency to aggravate rather than relieve the distresses of that country. I agree with him that if, by the interference of the Government, we could rescue the people of Ireland from their present sufferings, no considerations of a pecuniary nature ought to prevent our adopting immediate and decisive measures for that purpose. But where interference is so unusual, so contrary to all sound principles, let us take care that our interposition, though well intended, does not ultimately add to the mischief. I assure the hon. Member that the utmost precaution is necessary—and his speech affords the strongest evidence of it—lest by our very liberality, professing to support the people, we aggravate the evil. By applying local relief under great pressure, we may be laying the foundation of more severe pressure hereafter. One of the last observations of the hon. Member was an entreaty, that for God's sake the Government should send out to America for more Indian corn; but we are bound to take care, that by so doing we do not interfere with the natural and more effectual supply by the merchants. At a time when Indian meal was unknown in this country—when by the present law it was subject to the duty on barley—and when the price of barley was falling, and the duty therefore rising, upon our own responsibility and at our own discretion, without any soft words or fine speeches, we sent orders, through a great mercantile house, for the purchase of Indian corn, undertaking to guarantee them against loss. Private persons could not have taken this course, on account of the duty; but the measure that might be justified in

December, might be very unwise and injudicious now. It does not at all follow, that because Indian meal can now be imported at a profit by individuals, that the further intervention of Government in the matter is expedient; and if it were known that Government was in the market as a great purchaser of Indian corn, the first effect would be greatly to enhance the price, and the next to embarrass the trade. What private merchant would buy and bring in Indian meal, if he were obliged to enter into competition with Government? I mention that to convince the hon Member that it is not from any indifference to Ireland, but from a sincere and conscientious desire to benefit her to the utmost, that we do not act as the hon. Gentleman recommends. I am sure that he would not ask me to make improper and inconvenient disclosures; but in this discussion our position is unfortunate; if we cannot give a complete answer, an inference may be drawn that we are afraid to state our case; if we are silent and reserved, we add to the difficulty; and if we make disclosures, we do mischief. The fact is, that we have sent orders abroad to purchase for Ireland not only Indian corn, but oatmeal; there is a duty of 6*s.* or 7*s.* upon it, and that duty will remain as long as the Corn Law remains; but as we receive it with one hand, and pay it with the other, it amounts to much the same thing. I have no doubt that the hon. Member is sincerely desirous to benefit his neighbours, as he gives employment to 400 peasantry: he finds the difficulty of providing them with food; and for his sake, and for their sakes, and for the sake of those who are willing to follow his honourable example, I entreat him to co-operate with us. He is going to Liverpool at the close of next week, and I hope, by helping us to pass the Corn Bill, he will return with tidings that he has been able to purchase oatmeal on payment of a duty of only 18*d.* instead of 7*s.* But what is the prospect in Ireland at present? Your potatoes have failed. The people are driven to subsist on a more generous and a more expensive food than they have been hitherto accustomed to. The pressure is no doubt very severe; but the almost inevitable tendency of it must be to give the Irish people a taste for a higher description of food. It will thus, I trust, be the means of laying a foundation for increased industry, which, though no doubt it will be felt to but a very small extent at first, must have its advantage. If you can prevent the Irish labourer from placing his dependance on that watery food, the Irish potato, that will be doing a substantial good. But for the present I only wish to show the danger of the Government interfering with private speculation, if such interference can possibly be avoided. At present there are great importations of Indian corn into this country by private individuals since it was allowed to be introduced at the duty of 1*s.* a quarter. The hon. Gentleman complains of the Government not being more active in supplying food to meet the existing scarcity. I can only say—and I speak from the deepest conviction—that if we were to declare we were ready to support the Irish people, and if the Parliament gave us authority for doing so, we should cause more mischief by relaxing individual exertion, than if we did not interfere at all. If Parliament gave us unlimited means, and it were known we undertook the task of supplying the Irish with food, we should to a great extent lose the assistance of the Irish gentry, the Irish clergy, and the Irish farmer, all of whom would be bound to co-operate for the relief of the present distress. I firmly believe the result would be that we should insure all the horrors of famine before next autumn. In the first place, it is impossible for the Government to support 4,000,000 of people. It is quite impossible. You have not the means of doing it. But at the same time that the hon. Gentleman advises us to be more liberal, and to make a declaration of our willingness to give more extended support to the suffering poor, the hon. Gentleman adds that there are many of the absentee landlords who are not performing that duty towards the people which in his opinion the resident landlords are beginning to effect. But if the Government were to do what he requires of us, would not the absentee landlord at once say, "I thank you for relieving me from the obligation of assisting my starving countrymen?" The hon. Gentleman has described the efforts that are made by many proprietors, not only resident but absentee proprietors; for I think it unfair to draw the distinction on this occasion that he makes, because I know myself that there are many absentee proprietors who are coming forward generously to meet the existing distress. We must not, therefore, I think, draw the distinction as to those who are disposed to aid the people; but is it not possible that all those classes to whom I have alluded might

say in such a case, "We may be counteracting the efforts of this benevolent Government, who have all these Commissioners, and such extensive machinery to work with, by interfering at all in the matter?" And would they not, in point of fact, have a good excuse for withholding that aid which is indispensable on this occasion? Cases such as the hon. Gentleman supposes may occur. It is utterly impossible for us to adopt means for preventing cases of individual misery in the wilds of Galway, or Donegal, or Mayo. In such localities the people must look to the local proprietors, resident and non-resident. It must be instilled into their minds that it is not on the Government that the first responsibility rests, but on those who derive their fortunes from the soil. It may be very well for the hon. Gentleman to say to us, "I hold you responsible for every death that may occur in Ireland from the want of food." I tell him that is an unwise argument. It is impossible to make the Government responsible for cases of individual distress. That responsibility must rest on those who are on the spot—on the proprietors, resident and non-resident. If they are absentees, the moral obligation upon them is the stronger to transmit the necessary assistance to those who, being on the spot, can, from their local connexion and their personal knowledge of the cases coming before them, be the best enabled to distribute the relief. And therefore, not wishing to shrink from any obligation that belongs to the Government, and believing that pecuniary reasons alone should not weigh with us in declining to take any steps that we may think necessary, still I cannot consent to shift the responsibility from those on whom I believe it to rest. As to the hon. gentleman's statement that the pressure is already so severe as to oblige the people to use as food the potatoes that ought to be applied for the purpose of seed, I am disposed to concur with him in that view, for the pressure of immediate hunger will be always a temptation too strong to be resisted, no matter what the consequences may be; but does not the hon. Gentleman see in that argument a sufficient vindication for the course which the Government has taken in asking for a permanent settlement of the Corn Law question. I believe the same state of things is likely to occur next year; that we may have scarcity again to provide against, and that years may elapse before the food of the people is placed upon a secure footing; but if these anticipations be well founded, what would be our condition in July next, if we had to decide whether a temporary suspension of the Corn Law should continue or not? Suppose that the season next July should be similar to the last, and that fears of a second bad season were justified. I should like to know, then, if the state of Ireland next November and December were expected to be something like that of last year, what would be the condition of this House when asked to decide whether the suspension of the Corn Law expire in August, or should continue through the next winter. We felt this difficulty when considering the course which, as Members of Her Majesty's Government, we ought to take. We felt that the pressure of hunger might induce the people to apply to the purposes of food the potatoes that were required for seed; and we were thus induced to decide that the temporary suspension of the law would not be enough, but that it was our bounden duty to submit our proposition to the Legislature. This, then, is my answer to the hon. Gentleman, who has charged us with dealing ungenerously in introducing the subject of corn in connection with the distress, for placing the Corn Law on another footing. [Mr. S. O'Brien: I said coercion.] Let us discuss the Corn Law and the Coercion Bill each at its proper time. Whatever differences there may be on the Corn Bill or the Coercion Bill, on the subject of Irish distress we are all agreed. Her Majesty's Government may not have taken the best measures for its relief; but I can state that we have painfully considered the subject, and that we have spared no labour, by day or by night. It may be that the measures which we have taken may not be effectual for the purpose of meeting that distress; but I can assure hon. Gentlemen that indifference to the state of the Irish people cannot be fairly laid to our charge—that it is not from any fear of incurring the expense that has deterred us from going further, and from taking all the measures he thinks we might adopt; but it is a fear of too great an intervention with the ordinary course of commerce, and of thus ultimately aggravating the evil which we meant to remove. It is this consideration alone which has prevented us from adopting those measures which the hon. Gentleman thinks might have been more decisive and effectual.

Mr. E. B. ROCHE had not called on the right hon. Baronet to support the people of Ireland, or to give them eleemosy-

nary relief; but what he said was, they had come forward in the capacity of food providers: they had taken the step which the right hon. Baronet now deprecated, and he wished that they should not now stop half way, but that they should give the landlords of Ireland an assurance that in Liverpool, or elsewhere, they would have a certainty of procuring a supply of food for the people.

Sir R. PEEL said, that was just what the Government wanted in passing the Corn Bill—namely, to have foreign wheat admitted at 4*s.* duty, and oats and barley at 1*s.* 6*d.* duty.

Mr. CALEB POWELL wished to know from the right hon. Baronet, if such was the object of the Government, why he pressed a Coercion Bill on the attention of the House instead of the Corn Bill?

Sir W. SOMERVILLE said, he was exceedingly glad to hear from the right hon. Baronet that the Government were prepared to augment the sum of money placed at the disposal of the Board of Works. In counties it was possible to proceed with the construction of roads and other public improvements; but in towns, such as that which he had the honour to represent (Drogheda), they had no means of employing the people, except by the improvement of their harbours; and he trusted, therefore, that the Government would take means to have the Report of the Harbour Commissioners laid on the Table with as little delay as possible, in order that its suggestions might be carried into effect.

Mr. W. COLLETT said, that he wished to draw the attention of the Government to the Railway Acts passed for Ireland in the last Session of Parliament. The Cork and Cashill Railway, the Waterford and Limerick Railway, and the Dundalk and Enniskillen Railway Bills, were among those to which he alluded; and what he wished to know was, whether money might not be advanced, by way of loan, under certain restrictions, to these works, in order that the people might be at once employed upon them? He did not allude to the Railway Bills of this Session; but with respect to the others, he thought arrangements might be made by which the works could be commenced at once. Though he could not boast of being a resident Irish landlord, he had given employment for the last nine years to 500 labourers, and within eight years had expended 90,000*l.* in Ireland; and the hon. Member for Cork could bear him out when he alluded to the efforts which he had made to procure employment for the people. His tenants in that country were earning good wages, and were under no necessity of applying to the workhouse for relief, and he was glad of it.

Mr. O'CONNELL: I will not detain the House three minutes, nor would I take the liberty of addressing it at all on the present occasion were it not for what has fallen respecting me from the right hon. Baronet. The right hon. Gentleman has stated accurately the difference of opinion existing between my hon. Friend near me (Mr. Smith O'Brien) and myself on the subject of outdoor relief. I believe that in the social state in which Ireland exists, the Poor Law is not a remedy for anything like the quantity of destitution found in the country. I can see no reason for altering the opinion which I have so often expressed on this subject from the practical working of the existing Poor Law. As it is at present administered there are only 37,000 persons to whom relief is afforded, though according to the Report of your Commissioners there are two millions three hundred and odd thousand persons in a state of destitution in Ireland. These 37,000 persons have certainly received workhouse relief; but then it has been at a cost of 90,000*l.* a year for the establishment alone. I only allude to that fact to show how inadequate a mode of relief the present Poor Law has proved for the existing distress of Ireland. I do think that nothing could be more ruinous to the landlords of Ireland than the introduction of a system of outdoor relief. I believe such a system would amount to actual confiscation of property; but yet, if the right hon. Baronet thinks that the distress in Ireland is so great that outdoor relief is necessary to meet the case, I would consent to sacrifice my own opinion, and to support him in passing a measure for that purpose. One word more. The right hon. Baronet has alluded to the failure of the Drainage Act in Ireland. But the right hon. Baronet should not discourage a system so necessary, but at the same time so difficult. He should recollect that the failure did not arise from the plans of the Government, but from natural causes. I will allude to but one matter further. The Government has done a great deal to meet the distress. They have shown the best disposition to relieve the people. Many will differ from you as to the plans which you have adopted. I think you have vindicated yourselves to-

night; but you should recollect that you have not done enough as yet, even with regard to the past. Recollect that you are only at the commencement of the distress; that the worst period is before you; that the disturbances which unfortunately have commenced may become universal; and that you have a fruitful period for exertion before you require an energy beyond the law. In taking up the Coercion Bill you may, *pro tanto*, appoint a Commissioner with power to make a rate on the resident and absentee landholders throughout the kingdom, according as an estimate may be formed of the number of people to whom they give work, and labour, or wages. At the same time, let me add, that I should be sorry anything like despondency should go forth from the Government. Nothing could have a worse effect in causing outbreak than any appearance of despondency on the part of the Government. I do believe that by energy you can yet meet the difficulty; but the greatest energy is required for the purpose, and without that you can do nothing.

Colonel VERNER said, that in his part of the country, after having made every possible inquiry, he found the produce of the last harvest so fair, that there was at least an average crop for consumption. The tenantry unanimously stated that since the war they did not recollect so good a season for paying rents; and that at present there was a great quantity of grain in the country.

Mr. W. SMITH O'BRIEN wished to say a word or two in explanation. The right hon. Baronet opposite said, in opposing the Coercion Bill the Irish Members were responsible for delaying the progress of those measures which were intended to relieve the distressed people of Ireland. The Irish Members did not deserve that imputation. With regard to compelling the resident landlords of Ireland to assist the Government in remedial measures, he (Mr. W. S. O'Brien) begged to say, that if the right hon. Baronet proposed a general tax upon property with that object, he for one would cordially support him.

Mr. JOHN O'CONNELL would read a statement to the House which he had just received, relating to a point not yet touched upon in the present discussion, although it bore a most important relation to it. The statement was as follows :—

"Sir Robert Peel is reported to have stated that the Government embarked 100,000*l.* in the purchase of Indian corn, to be sold in Ireland at cost price. Commissary General Hewitson has declared such cost price to be 1*d.* per lb. This enables us to estimate the quantity imported by Government at 24,000,000 lbs. weight of meal; say six pounds for each of the 4,000,000 of persons for whom it is calculated food, other than their usual diet of potatoes, must be found this season, say for three months. The present price of Indian corn in London and Liverpool, adding cost of freight to Ireland, and expense of manufacture, is 20 per cent higher than the commissary general in Cork proposes to sell at. As far as the Government views are known, all the Indian corn is to be imported into Cork, and all to be ground there. They have engaged as yet eleven millls for grinding in and near Cork, which are capable of working about 4,000 barrels of 20 stone at most in the week. Several lots of it have been sent from Cork to Galway and other places. A small quantity was delivered to a relief committee in Cork, and most anxiously bought up by the people at the price fixed. Mr. Dan Meagher told me this day (April 4) that he had letters from Cork stating that the commissary general had declared he could not furnish any further supplies for Cork, as it was resolved to hold it over for poorer districts. As regards this declaration, if it was made, I am sorry to say that there are many most poverty-stricken districts in the county of Cork. The stock of Indian corn still in bond in England is very low, not exceeding 45,000 quarters. Many well-informed persons are beginning to fear that the mill power of the conntry will not be sufficient to meet the emergency. They argue that the mills of Ireland were nearly at full work when her labourers all lived upon potatoes, and that the increased consumption will be at the highest when the water power is at the lowest. Taking Indian corn as the standard, it would require 14,285 barrels of 20 stone each to give 4,000,000 of people one pound of meal each, say, for round numbers, 100,000 barrels a week. I send herewith a schedule of the mill power of the county of Cork, which I am sure I am under the mark in stating at one-sixth of the power of Ireland. The mill power of Cork, county and city, may be taken at 12,920 barrels per week; the distillery at 3,900. The increased consumption in Ireland will be at least six times that quantity."

He would not trouble the House by reading the schedule referred to, which was merely a list of the different mills, with a statement of their weekly power in barrels. The document then proceeded:—

"In addition to the flour and oatmeal mills detailed, there are four powerful steam mills in Cork, capable of working 2,000 barrels at least weekly, making the total 12,920. The distillery power is at least 3,900. This power includes grinding and dressing. Indian corn requires no dressing, therefore the same power would prepare a much greater quantity of human food from it, or barley, which requires but very little, than from wheat or oats. Stopping distillation now would throw a large quantity of barley into the market for food, and considerably increase the available mill power. There is now no risk of private distillation, which can only be managed in winter."

He did not pledge himself to the accuracy of the statements contained in this commu-

nication; but the writer was well acquainted with the misery and distress of Ireland; and he wished his views to be submitted to the consideration of Her Majesty's Government and the House. The suggestion for the stoppage of distillation appeared to him to be worthy of attention. He would add but one or two words upon the general subject. It was evidently one of extreme difficulty. Allowances must be made on both sides. Allowances must be made for the difficulty the Government were in, and he gave them the utmost credit for their anxiety to do all in their power to meet the emergency. He differed, however, from the right hon. Gentleman opposite, who deprecated the present discussion. He thought discussion would be useful, for it would show to the people in many districts of Ireland that their wants and necessities were under the anxious consideration of the Government—that the House was not inattentive to them—and that, if nothing definitive had been announced, it was, as had already been stated, because any definitive statement of the measures taken to furnish relief might impede their successful operation. He was sorry, however, to hear what the right hon. Gentleman said as to giving the people of Ireland a taste for better food, by furnishing them with some for the moment. The only mode of giving them a taste for adopting the use of better food, was to give them the means of obtaining it. If they had the means of obtaining better food, it was natural to expect they would adopt the use of it; but if a great portion of their earnings were necessarily spent in clothing, rent, and other demands consequent upon the maintenance of a family, they were driven to the use of a poorer description of food. But if you gave them more means of purchasing better food, they would, following the bent of human nature, adopt the use of it. He would sit down after offering one remark upon what had been said relative to the necessity for Irish landlords to assist the Government in their efforts to relieve the distress of the people. It had been said, this was their first duty, and that they had the best means of discharging it from their local knowledge of the wants, wishes, and habits of the people of Ireland. Let the House see how powerfully this argument bore upon the suggestion of his hon. Friend the Member for Limerick, that Ireland should have a local Parliament.

Mr. FITZGERALD called attention to the disturbances reported in the towns of Tipperary and Clonmel, by the people being in a state of starvation: and he asked the right hon. Baronet whether, when the want of food was absolutely known to exist, the agents of Government were not bound to send it from the ports of import into the interior. He wished to know whether those agents had attended to their instructions, for if the food had been sent, it might have prevented the people from having recourse to breaking open bakers' shops and committing other outrages to obtain it. The people of Tipperary and Clonmel were orderly, peaceable, and quiet: they were not disposed to violence; but he appealed to right hon. Gentlemen opposite whether, in the existing state of distress, the enactment of a Coercion Bill was not more likely to increase than to prevent the evils of which they complained.

Order of the day read.

Mr. JOHN O'BRIEN: In rising to address the House on this adjourned debate, I have to express my regret that the prolonged but unavoidable discussion which has arisen should have interfered with the progress of those great measures of commercial legislation introduced by Her Majesty's Government, the speedy adjudication of which I hold to be not more essential to the trading and agricultural interests of the Empire, than to the mitigation of that destitution in Ireland, now no longer a matter of speculation, but of awful, imminent, and unquestionable certainty. And I have equally to regret my absence on a recent occasion, when the right hon. Baronet at the head of the Government referred to the Members for Limerick and Clare, as I should have felt it my duty to have given my strongest testimony and support of the unexaggerated character of his statements. I should have done so, not alone on my own knowledge, but on the unsuspected, I may say official authority of documents I hold in my hand—one the letter of the present high sheriff of the city of Limerick, once a Member of this House—the other the address of the relief committee of the city, and bearing the signatures of the mayor, the Protestant dean of the diocese, and the late chairman of the Poor Law guardians; and, with the permission of the House, I shall read those brief but emphatic statements:—

"Limerick, March 23, 1846.

". . . . From the ferment existing here just now caused by the want of food and non-employment, we know not the moment an outbreak of the people may take place, which renders an

immediate practical relief, in both points of view, of the most urgent necessity; indeed the army are obliged to be kept in momentary readiness; and painful and lamentable would be the consequences of its employment, to be obviated only by instant relief, a state the more to be deplored when the exemplary patience of the people hitherto must be acknowledged. A deputation has gone to Dublin to impress on the Irish Executive this state of things, of which I was to have been one, but was prevented by indisposition; any use, whether in or out of Parliament, you may deem it advisable to make of the representation I have just given of our local condition, you are quite at liberty to adopt, as in so painful and formidable a position every item of information is useful; so apprehensive, too, are the authorities here of popular disturbance and attack on the corn stores, that district and military support has been communicated to me. (Signed)

"William Rock,
"High Sheriff, City of Limerick.
"To John O'Brien, Esq., M.P."

"Relief Committee Rooms, Limerick.

"Sir—We have been requested by the Relief Committee of Limerick to apply to you in behalf of the suffering population of this city and district. You are probably aware of the sad visitation with which Providence has been pleased to afflict this country. Its staple food is now almost expended, and connected with this calamity there is greatest want of employment. Works of various kinds have been devised and commenced to meet this trying emergency. The Government has called upon all classes of the community to exert themselves to the utmost, and the Committee feel assured that you will, according to your property and ability, second their exertions. Your subscription will be received by any of the banks, or any member of the Committee.

(Signed)
"J. F. Ryan, Mayor.
"W. Higgins, Dean.
"Wm. Murrell.

"N.B.—It is necessary to observe that Government aid will be granted in proportion to the sum locally subscribed."

Perhaps I have been censurable in not having heretofore submitted to this House documents so strongly illustrative of the wants and necessities of the city which I represent, and which are unfortunately common throughout the south-west of Ireland. With such facts before us, can it be necessary to vindicate the wise, humane, and provident measures of relief introduced by Her Majesty's Government? And permit me here to suggest how overbearing must be the sense of duty which compels a considerable portion of the Members from Ireland to resist even in its present stage the Bill before the House, accompanied as that resistance inevitably is by the postponement of measures which the exigencies of their country so urgently require. But in so doing we act not alone on the suggestions of our own spontaneous judgment, but equally in accordance with the universal sentiment of a people who will not consent to purchase an exemption from physical suffering, almost without a parallel, by a surrender of their political privileges, or by a seeming acquiescence in the penal, unconstitutional, and comparatively inoperative provisions of the Bill now before the House. Sir, I rise to oppose even the first reading of that Bill; and as a case of habitual and unpunished crime has been very clearly demonstrated by the right hon. Baronet, I feel myself called on to state the reasons which have determined my opposition to a measure professedly intended to arrest the perpetration of crime, and to achieve those objects which it must be avowed is the paramount end of all government to accomplish, namely, the security of property and the protection of life. Did I believe that the measure before the House was the best or only means to accomplish these important ends, no consideration of any temporary unpularity which may arise from its advocacy should deter me from assuming that fair share of responsibility which attaches to its support. For I hold that such a motive of resistance would be a disreputable abandonment of my duties as a Member of this House, not to be even extenuated by the knowledge that my dishonest retreat from a common responsibility could not arrest the legislative maturity of a measure which the interests of the country and its existing condition required. Let me ask what is that condition? It has been powerfully, amply, and irresistibly demonstrated by a catalogue of crime deeply degrading to the national character; and what aggravates the reflection is, that that condition is but a repetition of the past, and that those measures of penal legislation now proposed are but a repetition of those former abortive remedies, whose permanent inutility a long and painful experience has abundantly demonstrated. What is the condition of Ireland after centuries of international connexion; after half a century of Imperial legislation? Are we not in the position and threatened by the penalties of a recently subjugated people? I ask if there be any other country which, after centuries of established rule, exhibits a spectacle every way so revolting as that put forward by Her Majesty's Government as the cause and vindication of the measure now before the House? Sir, it is impossible to trace this condition of things to any other cause than to the

character of the policy which has ruled. I am not aware of any peculiarity in the dispositions of the people of Ireland, nor of any physical imperfections in the country to which we belong, which can adequately explain it. Would it not then be well to inquiry why it is that a connexion between countries naturally associated, should have been so disastrous to us, so little profitable to you? Would it not be right, in place of adopting temporary expedients for the punishment or suppression of crime, at once to investigate and remove the causes which have generated the tendency to it? These causes are the physical necessities of the people and the political discontent of the country, both, mutually and by natural effect, acting on and exasperating the other. It is impossible to deny that the people of Ireland regard your laws with alienation—they feel that the spirit of a past past ascendancy still survives; that the principle of your Government is anti-Catholic in its character, is anti-Irish in its tendencies; and that notwithstanding the Emancipation Act of 1829, they are still practically excluded from the patronage of the Government, from the confidence of the Crown, and labour under the double penalty of a national subjection and of a sectarian ascendancy. The Irish people find themselves represented in an Imperial Parliament by a stinted and inadequate representation; and as a Catholic people they complain of the intolerable yoke of an alien and a sinecure Church. Your magistracy is anti-Catholic; your judicial bench is equally so; and all your official appointments are of a kindred character; or if some solitary Catholic be distinguished by your favour, he purchases the distinction by a severance from his natural connexions, by an abnegation of his natural principles. He forfeits character, and you gain no strength. Again, look to the social condition of the people: it is one of unparalleled suffering and degradation, emancipating them from all disposition, and, as they not unnaturally conceive, from all obligation, to the maintenance of laws which neither give facilities for the acquisition of property, nor secure the common necessaries of life. That such a condition of things is an incentive to crime, requires but little reasoning to enforce, and is practically demonstrated by the class and description of persons on whom the penalties of the law ultimately fall. They are not the comfortable farmer, nor the extensive landholder—they seldom are found among the occupiers of five acres—they are generally composed of a class destitute, ignorant, and impoverished, who owe no debt to the institutions of their country, and who have no hope in the possible amelioration of their condition. I would rescue this class from the temptations to crime by improving their social condition, by elevating their moral character, and by augmenting their material comforts—in a word, by making it their interest to obey the laws and uphold the institutions of their country. If I am asked how this is to be achieved, I refer to the various Committees which, in voluminous evidence for the last twenty years, encumber the records of your House—a pregnant proof of unavailing inquiry and of abortive legislation. Shall I refer to an unemployed population in the midst of improvable wastes, to the imperfect relations between landlord and tenant, to a defective Poor Law, which, when well constituted, affords the best security for social and political tranquillity, and compels the more opulent, by the urgent sense of self-interest, to provide for the wants and welfare of the humbler classes of the country? Shall I refer to an absentee proprietary, to a non-resident gentry, to the want of that smaller landed proprietary, so calculated to extend the bases and augment the security of social institutions? Nor in this catalogue should we omit that fertile source of agrarian outrage, the absence of all accessible or domestic tribunals to arrange the social differences of the people, whether connected with the tenure of land or the general rights of property. These are the measures preventive of crime—permanent in their character, salutary in their influence, beneficent in their operation—which I would compel or persuade the Government to adopt coincidently with those penal or remedial laws now proposed to the adoption of this House. Sir, I have said it is the duty of the Government to redress the political wrongs of the country; and admitting the doctrine that political agitation contributes to social distraction, and to agrarian outrage, I feel that an increased obligation thereby devolves upon them to tranquillize the country, by the concession of those measures which alone can satisfy the rights and necessities of Ireland. I am not unwilling to admit that political agitation predisposes the popular mind to that habitual discontent which travels beyond the justifiable limits, and tends to

degenerate into a struggle for private and unwarranted ends; and it is impossible in a great national movement, such as has been for the last half century in action in Ireland, strictly to observe those necessary and guarded limits in appeals to that popular feeling by whose organization and impassioned agency great political changes are sought to be accomplished. It is impossible that a people who are taught, and justly taught, to confederate against the misused power of the Government—who are taught, and justly taught, to combine against the undue privileges of a territorial oligarchy—who have been brought by the equal impolicy of the Government into successful collision with the temporal possessions of an alien and sinecure Church; I say it is impossible that such a people, so stimulated and so solicited, will not ultimately transgress the limits which political agitation for political ends would warrant and prescribe. A people long politically agitated eventually become socially disorganized; and the transition from the successful assertion of equal political privileges to that of equal social rights is neither distant nor unnatural; and is it wise in a Government to allow a people to continue indefinitely exposed to such a process of slow but infallible seduction? Can it be necessary for me to describe its baleful influence? We live in a state of feverish and unhealthful excitement. The pursuits of tranquil industry are tasteless and insipid; views of undefined and unattainable good possess the popular mind; and hope deferred, and disappointment, in endless succession, embitter popular feeling, and, by natural transition, array it against even the legitimate rights of the higher and more affluent classes of the country. But I am told, first suppress crime by the terrors and inflictions of the law, and then redress the social and political wrongs complained of. Then, I ask the Government, will they specify the measures which they contemplate? I for one will not be satisfied with a vague and undefined announcement of redress. Such has already accompanied your past measures of coercion—I allude to former Governments—and has eventuated in renewed distraction, and the aggravated disappointment of national hope. What are the measures you propose? Will you improve the material condition of the people of Ireland? Will you act on the suggestions of which I have given a hasty, but perhaps not an unintelligible outline? What are the political ameliorations you contemplate? Will you give us domestic equality among ourselves, international equality with you? Will you practically incorporate us with your Empire, or will you legislatively disunite? Above all, will the right hon. Baronet consummate the Emancipation Act of 1822? Will he anticipate, and not wait for, that overbearing necessity to which he has once referred? Will he give legitimate development to the principles of that great legislative enactment? Will he, I ask, emancipate the people of Ireland from the prolonged ascendancy of that alien Church, at once the source of our distractions, and the badge of our humiliation? The Anglican Church in Ireland is without a parallel in the civilized world; it is the operative cause of our present condition; it divides us into antagonist parties among ourselves; it arrays us, the great majority, in collective hostility to you. It paralyses your Government in its most ordinary functions. Look to your Cabinet. Why is no Catholic a member of that body? We are represented in this House on kindred principles. We should be represented in the Cabinet, but your sectarian policy prohibits you from doing so; and the Catholic who accepts a political identity with you, ceases to be the organ of his party, and forfeits the confidence of his co-religionists. You thus exclude from your Councils the Catholic millions of Ireland, of the Colonies of this very country, and concentrate against you, against your policy and your Government, the religious sensibilities of one-third of your Empire. But we have been told of the irrevocable compact of the Union: then you give the people of Ireland the strongest incentive, and the most powerful argument for its repeal; but who in this age of progress, moral, physical, and political, will speak of irrevocable laws? Let the collective good of the community committed to his peculiar care be the irrevocable end of the statesman's policy, to be achieved by a wise accommodation of the means to the varying wants and interests of society; but do not outrage the common sense of mankind by the announcement of your irreversible laws, or of your unalterable institutions. Yet I am not insensible to the difficulties which surround the statesman, who, in advance of the intellect of his age, and of the prejudices of his party, waits the slow progress of public opinion, and postpones the advocacy of great measures, even with a view

to their ultimate attainment. But a prudential or procrastinating policy has its limits; and it is the duty of him who is vested with official power to abridge the national struggle, at the fitting moment to give an impulse to public opinion, and anticipate that position to which it is, perhaps, slowly but infallibly advancing. The sectarian character of your policy is not foreign to this debate: it deprives your Government of the confidence of the people of Ireland, they distrust your administration of the law; nor will we, from the influence of any pressure, however urgent, consent to augment the powers or strengthen the executive hands of an anti-national Ministry. But if you will announce an altered policy—if you will ameliorate our material condition—if you will abate our religious and political wrongs—why, in such case, we shall co-operate with you even in your present measures; we shall endeavour to render them more effective in the suppression of crime, and less invasive of the rights of the people; but if, on the other hand, you but proffer us this measure of penal restraint, we shall not partake of your responsibility; we shall embarrass your legislation by every means within the limits of the Constitution; and even should the result be the temporary impunity of crime, even at that cost shall we endeavour to compel the Government to the adoption of those measures which are essential to its permanent suppression. I specially object to some of the provisions of this Bill. Transportation is too severe a punishment for the suspicion of crime, for I hold that the factitious offence of being out at prohibited hours is but a means of coming at the suspected characters of a district: temporary imprisonment, more or less prolonged, would remove them from the temptations and facilities to crime; and when tranquillity shall be achieved, and order re-established, the suspected, perhaps the innocent man—for his guilt has not been proved—may be restored to his country, his family, and to all those social relations, not the less valuable to him because his condition is humble, and his sufferings perhaps unmerited; and from all these fair chances you exclude him by the irrevocable sentence of transportation. Again, the expenses of this Bill are to be defrayed by the occupying tenantry of the country. You legislate on the presumption that they are in sympathy with crime. I stop not to reproach you with this result of your policy. But what have the farmers and the great proportion of the occupying tenantry to say to these outrages? They are often the victims, not the participators in crime. You should not thus stigmatize the occupying tenants of the counties, and perhaps generate that disaffection which you so unwisely announce. I would draw no such invidious distinctions. Let landlord as well as tenant liquidate the amount; and so far as these pecuniary penalties would avail, I would induce them to combine in removing the causes and arresting the progress of crime. I shall not longer trespass on the attention of the House: I am aware of many other objections in detail, the great social inconvenience, the undue discretion of an anti-popular magistracy; but I feel I have stated what warrants my opposition to this measure, as invasive of the social and constitutional rights of the people, as imperfectly calculated to achieve the objects contemplated, and as a penal and oppressive substitute for those measures of permanent reform and comprehensive amelioration which can alone give tranquillity to Ireland, or secure the happiness of its people.

[Here a considerable pause took place, during which no hon. Member rose to address the House. Strangers were ordered to withdraw, and the gallery was about to be cleared for a division, when]

Mr. CALEB POWELL said: Sir, the measure now under discussion has been variously denominated: one right hon. Gentleman calls it "A Bill for the Protection of Life;" another "For the Prevention of Assassination in Ireland;" others describe it, and more appropriately I think, a project for the "Coercion of the Irish People." But designate it how they may, disguise it how they will, it is in reality nothing more or less than an attempt, an abortive one, I trust, to transfer, bound neck and heels, the wretched Roman Catholic population of Ireland to the tender mercies of their ancient taskmasters, the Protestant gentry of that country. Three principal objections to the measure present themselves: first, no sufficient case has been established for it by the right hon. Gentleman; second, it will be no remedy, if the evils exist to the extent alleged; thirdly, it is not impartial legislation in respect to Her Majesty's Irish subjects. The Government argue *à particulari ad universale*—the most inconclusive kind of logic; and because it is alleged that five counties are partially disturbed, therefore it is just and expedient to extinguish the British Constitution in thirty-two, the whole

territory of Ireland. To illustrate upon what light and insufficient grounds crimes have been imputed to districts proclaimed disturbed, I will instance the barony of Poneybeg, in which I reside, in the county of Limerick: although this locality has been proclaimed under the Peace Preservation Act by the Lord Lieutenant of Ireland three months ago, I have as yet been unable to procure from his subordinates a return of the grounds upon which the proclamation was founded, such a return having been ordered by the House of Commons a month ago. I must therefore rely upon my own observation as to its condition both before and since sentence was passed upon it by the Executive Government. I can assure hon. Members that I do not dwell in a fortified castle, but in a very defenceless house, with no occasion for bolt or bar, as my hon. Friend the Member for Meath can testify. But then the right hon. Gentleman said, it is perfectly unsafe to travel about through Ireland. I can affirm that social intercourse has never been interrupted in my neighbourhood. The Protestant clergyman and his family interchange their visits with mine at all hours unmolested; even the female members drive and walk about the country as fearlessly as securely. "But," continued the right hon. Gentleman, "only conceive the horrid attempt to assassinate so excellent a landlord as Sir David Roche." I am aware that the name of that hon. Gentleman has been used as a *cheval de battaille* for the Lord Lieutenant of Ireland to charge the Irish peasantry, and is a war horse for the noble Lord the Member for Lynn, when he wishes to ride roughshod over the liberty of Ireland. Suppose Sir David Roche had not been fired at with attempt to assassinate him; and the gentleman who was in the carriage with him at the time, assured me that in his opinion there was no intention to injure him. [Sir JAMES GRAHAM: What did Sir D. Roche say?] I did not speak to him on that subject. Possibly Sir D. Roche did not see it, as it was said Sir D. Roche was reclining on the seat of the carriage. The gentleman stated there was an explosion of firearms, but nothing struck the carriage. [Sir JAMES GRAHAM: What do the people of Limerick say?] Many people stated to me it was believed to be the exploit of a police spy. If this is doubted, let hon. Gentlemen recollect the Adare conspiracy. The right hon. the Secretary at War stated that the steward of a Shannon steam boat had been barbarously assailed and murdered, because he discontinued dealing with some Amazonian milkmaid indigenous to that distracted country. I interrupted the right hon. Gentleman, and corrected the mis-statement at the time. I have further learnt there was no homicide in the transaction, but merely an assault by the indignant damsels, whose resentment was provoked in consequence of their unadulterated cream being compared to the sky-blue circulated amongst the inhabitants of Grosvenor-square. [The ATTORNEY GENERAL: Chalk and water.] Equally offensive. [Sir JAMES GRAHAM: They were men, not women.] Perhaps some chivalrous youth did assist the fair; but the parties have been made amenable to justice, prosecuted, convicted, and very properly are now undergoing imprisonment in Ennis jail—the punishment of their improper conduct. Then another case was set forth of Timothy Mahony being brutally injured, intimidated, and deprived of life by those savage disturbers in Limerick. I am informed that Timothy Mahony lives in the enjoyment of good health, no stouter fellow in the whole county. [Sir JAMES GRAHAM: I did not quote that case.] It was made a ground for passing the Bill in another House, to which it is said so much deference is due, and on the authority of which, in some degree, this House is required to accept the Bill. The right hon. Secretary has referred to the case of Mr. Wilson of the county Clare, who, he said, had been obliged to go into exile after conferring extensive benefits upon his tenantry. I think, however, he pushed the matter too far when he ascribed altogether Mr. Wilson's retirement from the county of Clare to the menaces of an ungrateful population. I have the pleasure of knowing Mr. Wilson, who is a very respectable gentleman, and was very useful in his locality, where I hope to see him again, re-established on his former good terms with his tenants, secure without a Coercion Act, both in person and property. Three or four years ago Mr. Wilson told me, that from circumstances totally distinct from misunderstandings with tenants—circumstances altogether of a private nature, which I think unnecessary to intrude upon the House, but in no degree discreditable to Mr. Wilson, he had resolved to sell a portion of his estate, including his residence, and retire to the Continent. [Sir JAMES GRAHAM: Mr. Wilson is now in Dublin.] That may be

so; but Mr. Wilson had some time since intended to withdraw from the county of Clare, without being expelled by the turbulence of his tenantry. But supposing Mr. Wilson retired through the hostility of his tenantry, does it follow that others are in similar circumstances, who cannot continue secure at home without the intervention of coercive measures. I know proprietors in that very locality, who exercise unmolested all the legitimate rights of property, but who nevertheless may be favourable to the Coercion Bill from an inclination to the exercise of arbitrary power. The right hon. Gentleman has dwelt much upon the amount and character of crime in Ireland; but although it affords me no gratification to recite the catalogue of English criminality, it is necessary to refer to it to show that the spirit of impartiality does not pervade the proposed legislation. When crime and outrages of a grave character are committed in England, when a Prime Minister was assassinated in the lobby of the House of Commons, and the Secretary of the Minister in the centre of Westminster, did the Government recommend the extinction of English freedom? Did the Minister of the Crown propose to extinguish the vital principles of the Constitution? But it is alleged the poorer classes of Ireland require to be protected by such a measure as is proposed. Where is the evidence of it? Has any petition from them to that effect reached this House? They may require protection, but of a quite different species to that proposed. I seldom take up an English newspaper that I am not shocked by the most revolting cases of inhumanity. In the *Morning Chronicle* of the 6th of April, I found a murder in Liverpool; infanticide at Taunton; an attempt to murder; and a murderous attack on Mr. Harvey Combe's gamekeeper. On the same day a murderer was executed in the city of London, for assassinating his master. But then it is alleged that the Irish people sympathize with the criminal, while in England he is held in adherence. Now what was the case in the instance I have just referred to? Nothing could equal the profaneness and recklessness of the criminal's demeanour: and upon making his appearance upon the scaffold, he was applauded by the surrounding multitude. In the same paper, of April 8th, the following summary of crime appeared as an analysis of the calendar of the county in the Oxford circuit: Arson, 1, robbery from the person, 1; forgery, 11; cutting and wounding, 4; bestiality and unnatural offences 4; administering poison, 2; night-poaching, 1; concealment of birth, 2; highway robbery, 1; burglary, 13; rape, 3; and including other offences, the total was 69. I do not think that the assizes for the county of Limerick furnished a more numerous catalogue. Then, on the Western Circuit, three men were convicted of consecutively ravishing an unfortunate female; in another district, a man was found guilty of drowning his pregnant paramour. There is no want of the commission of crimes accompanied with atrocious violence in England; but the Minister does not dream of proposing a Coercion Bill for this country: such a measure, if carried, must be inefficient. Seventeen similar unsuccessful Coercion Acts have been proposed within the memory of living men; and yet an eighteenth measure of a similar description is called for: not only will it be calamitous to Ireland, but most dangerous to the best interests of the Empire. I am sorry not to see the hon. Member for Pontefract in his place, as I should have liked to know what he would say to the proposal of introducing what he so complacently termed a mild measure of correctional police into his county under such circumstances as I shall describe. What would the hon. Member feel if his Protestant fellow countrymen, the inhabitants of Yorkshire, had a Roman Catholic magistracy, small in comparative numbers, but strong in anti-Protestant prejudices, invested with arbitrary power, and authorized to exercise it in accordance with all their biases? Would he esteem such a system a mere trivial restraint, to be viewed without repugnance by any friend of freedom? No! I will venture to say the hon. Member, would loudly denounce it, as an unwarrantable infringement of the rights of free-born Britons; and yet the hon. Member expresses his hopes that the Government will persevere with their coercive measures towards Ireland. So late as February, there was what might be called an open insurrection in the north of England: upwards of 2,000 labourers employed on a railway near Carlisle, rose and expelled by force the Irish workmen employed there. If, however, a row like that occurs in Ireland, it is proclaimed rebellion, and the Executive calls for a Coercion Act for Protestant magistrates to administer. While the stimulus to vengeance is increased, you may depend upon it this measure will provide no increased security. One of the greatest

poets of any age or clime has justly observed—

> "There never yet was human power
> That could evade, if unforgiven,
> The patient search and vigil long
> Of him who treasures up a wrong."

Before I conclude, I would take the liberty of suggesting what in my opinion will promote the desired tranquillity of Ireland. In the first place, the Irish people should have equal laws, impartially administered. The Government ought not to proscribe the constitutional expression of political opinion. Then there is ample scope for the physical amelioration of the people, by reclaiming the waste lands of Ireland; and the Legislature would be well justified in compelling those proprietors who cannot or will not bring them into cultivation, to transfer them to those who are prepared to make them available for the exigencies of the community. Or will the Legislature assent to a Repeal of the Union, and then an Irish Parliament will devise those measures which are calculated to accomplish the prosperity of the people, without infringing their political privileges? But if adverse and hostile legislation is persevered in, the Government may discover some fine morning that the Irish nation has resolved to right itself.

MR. WARD thought it was disgraceful that the House so often exhibited on the discussion of great constitutional questions of this sort complete indifference. He had seen three or four occasions that night on which he could have counted out the House, if he had chosen to call the attention of the Speaker to the subject, there not being forty Members present. However, as he differed from the hon. Member who had just sat down as to the reasons why this Bill should be opposed, he would take that opportunity of stating the grounds which, notwithstanding the considerations urged, and the strong facts stated by the right hon. Baronet at the head of the Home Department, in his opening speech, induced him, as an English Member, to say that he could not give his assent to the Government Bill. He would say at once that he did not adopt the idea of any imagined superiority on the part of the people of this country over the people of Ireland with respect to the matters they were now discussing. He believed, on the contrary, that it would be found that the Irish people were superior in the endurance of evils which were almost intolerable, which the English people had no idea of; which never had been submitted to in England; and which he thought never would have been submitted to in England. As to crimes, no doubt great crimes were committed in England, but then they were isolated acts; there was no sympathy with them on the part of the people; they were not connected with local causes; they had nothing to do with the general interests of the people; and the law had always dealt with them, as they arose, successfully, because the sympathies of the people were with the law. But in Ireland, with respect to one particular class of crimes, the sympathies of the people had always been found to side with the criminal, and against the law. He could not take upon himself to refuse credit to the evidence of all those who were best acquainted with the state of Ireland, when they stated that with respect to questions connected with the possession of land, crimes of a frightful character were continually committed at noon-day, and yet the people looked on and allowed the criminal to escape: you could not get witnesses to come forward to criminate, or juries to convict. But what was the reason of this? The sympathies of the people were with the criminal, because they were under the impression that it was rather for their interests than not that such things should be done with impunity. What he should wish, however, was to bring the discussion of these circumstances to a practical and profitable result. He thought that of all times this was the time for Parliament to pause in the course it had hitherto pursued with respect to Ireland. He would ask what produced this state of things in Ireland? If there was this perverted morality exhibited on the part of the Irish population on one particular question, to what was it to be traced? Were they to go on legislating from year to year on the principles of the coarse and barbarous policy of coercion? Were they to go back to the old policy, which, instead of regarding the river Shannon as the instrument of civilization, treated it as a barrier against the barbarous tribes beyond? Or were they to take advantage of the improved tone and feeling with which Irish subjects had been of late discussed, and try to deduce from a consideration of the evils of the past some useful course for the future? It was with the greatest pleasure that he had heard from the right hon. Secretary at War (Mr. S. Herbert), that he for one would never agree to make Ireland the

battle ground of party. Still, he must say, that announcement came rather late; for half the evils and difficulties with which the Government had to deal in respect to Ireland had arisen from the mischievous policy pursued upon Irish subjects by the party opposite while they occupied the Opposition benches. He did not wish to deal in useless recriminations; but he must say he could not forget the time when the Gentlemen opposite used one tone with respect to Ireland on the hustings, and another in the House of Commons. On the hustings they were always found encouraging the prejudices of the English and Scotch people against Ireland, and running down the government of his noble relative Lord Normanby, and the kindly consideration of Lord Morpeth. They all, with one or two exceptions, cried down these noblemen as tools of Mr. O'Connell, and as pandering to the Irish priesthood, though, in the House of Commons, the right hon. Baronet the First Lord of the Treasury confessed that there would be no great difference between the policy of Lord Normanby and his own. But he hoped the present Opposition would prove themselves a more generous body; and for one he trusted they would never be actuated by such motives. As a proof that he would not be, he might mention that he had supported the Government last year on the Maynooth Bill against the feelings of many of his constituents, and against his own opinions in some degree; because he thought that the whole question of the Irish Church might have been settled satisfactorily with a less shock, or at least with no greater shock, to the feelings of the people of England and Scotland, than was caused by the Government measure for bestowing a miserable grant on the College of Maynooth. He would support the Government now, if it would convince him that the present Bill could cure the evils it was intended to check. With respect to agrarian crime, of which so much had been said, he would at once declare that he did not doubt its extent, nor did he wish to palliate its atrocity. He neither sympathised with the criminals, nor would he shield them from punishment. He would go as far as any man in that House in the desire to put a stop to these crimes; for he believed with the noble Lord the Member for Lynn (Lord G. Bentinck), that the blood of every man who was murdered rested on the head of those who delayed the remedy. But was this Bill a remedy —a Bill, so indiscriminating in its penalties, so despotic in its principles, so sweeping in its provisions, that nothing ought to induce the House to agree to it but the absolute conviction that it would prove effectual. But that was precisely the question which they had to decide, and the noble Lord had no right to taunt Members on the Opposition side of the House, who had long been in the habit of giving that attention to the affairs of Ireland which he had himself only just begun to apply, with delaying the remedy, because they refused to agree to the remedy which he appeared to prefer. He (Mr. Ward) could not say that the Government measure was recommended to him by the noble Lord's approbation of it. He had no doubt that it would be carried, for he saw that the first announcement of the principle of coercion in Ireland, brought back to the Tory fold all those Gentlemen whom the principles of commercial freedom had estranged. But the measure would only be carried after a longer debate perhaps than the right hon. Gentlemen opposite either anticipated, or desired. It would be only carried after great changes were effected in it, in its progress through the House, and when accompanied by specific measures, and not merely vague promises of the Government, to remedy those grievances which coercion alone would aggravate, but not put down. He might be asked why he believed this? He answered, the Irish question, as it was called, seemed to him to go round perpetually in a vicious circle. It was thirteen years ago since he first had a seat in that House, and the first vote he gave was in favour of an Irish Coercion Bill. He now knew that he was wrong in that vote; but he had a foolish faith in the Ministry then in power, and fancied that the men who had just bestowed upon England a large measure of constitutional reform, would not have proposed a measure confiscating the liberties of Ireland, if there were not sound and pressing reasons for it. The fact was, that he then (as he was told in the course of the debate) knew much less of Ireland than he did of Mexico. He did not know how easy it was for Gentlemen to combine a very nice desire for liberty on this side the Channel with something very like Turkish despotism on the other; he did not know how long Ireland had been governed by Coercion Bills, one copied from the other, none of the copies, however, reaching the bold originals of which the Irish Parliament itself set the precedent; for he must tell

his hon. Friend the Member for Limerick, he did not think that any of the Coercion Bills passed by Saxon Parliaments legislating for Ireland was so bad as the Bill of Lord Clare in 1787, or the Bill of 1764, both of which were passed by purely Irish Parliaments. The Bill of 1764, enacted, on occasion of the first Whiteboy disturbances in Munster, that the criminal should be executed on conviction before a single magistrate. In 1787, Lord Clare, then Mr. Fitzgibbon, under Mr. Pitt's Ministry, proposed to give power to the magistrates, to rase to the ground all Roman Catholic chapels in any district where combinations had been formed, or unlawful oaths should be proved to have been administered; and it was Mr. Orde, the then Irish Secretary, who said that he never could concur in that proposal which Mr. Grattan stigmatized as an attempt to establish irreligion in Ireland by Act of Parliament. Yet the causes by these disturbances were as well known then, as now. He found in the correspondence of Burke a letter from Sir Richard D'Este, who was then Chief Justice of the Common Pleas, in which he said—

"That these disorders really and not colourably took their rise from complaints and grievances of a private nature. The price of labour was too cheap, victuals were too dear, and the landlords were excessively oppressive. In the perpetration of these disorders Papists and Protestants were promiscuously concerned. Their oath to each other was simply to be true one to another, and not discover what was done."

That was the case in 1764. Mr. Fitzgibbon, in 1787, made that well-known speech in which he said—

"He knew Munster well, and it was impossible for human wretchedness to exceed that of the miserable peasantry. He knew that the unhappy tenantry were ground to powder by relentless landlords. But the Legislature could not stand by and see them take redress into their own hands."

Now in 1764, and 1787, these Coercion Bills were no remedy for the disturbances that then arose, which were precisely similar to those of the present day; and in 1846, this Life Protection Bill, as you call it—this Curfew Bill, as it had been more properly called—differs not in principle from those measures which never succeeded, and would not differ in its results. Such measures had been tried repeatedly. Could any man say that coercion in Ireland had ever produced more than a temporary lull? Was it, then, fit that one third of the Empire should be deprived of its liberties by a measure, which experience convinced them must be ineffectual? Was this a proper remedy for a British Parliament in 1846 to adopt? What then was to be done? Were they to say, with the right hon. Recorder of Dublin, that misery was indigenous in Ireland, and that the present distress was so little different from the distress in ordinary years, that Parliament might safely let it take its own course? If this were so, what did that prove but the rottenness of the system?—that Ireland had been governed all along on bad principles, and badly governed on them? The hon. Member for Dorsetshire said that Irishmen were lamentably deficient in common sense, and that Irish nature was not to be dealt with on the rules which were applicable to human nature in general; for that they were a reckless, improvident people, and not fit for the management of their own affairs. He had lately fallen in with the work of a practical man, Mr. Wiggins, who managed the estates of the city of London in the north of Ireland, and who had visited Ireland for thirty years as the agent of several large landowners; and he said that the Irishman only became reckless when he found his care and labour useless to him; but place him in a situation where his labour may be profitable to himself and family, and no one was more industrious, skilful, and provident—not excepting the English, who arrogate to themselves the possession of every virtue. For himself, he would say, he believed Irish nature was very much what English nature or Scotch, or Belgian, or French nature would be under the same circumstances. He believed that if they placed 4,000,000 of Englishmen in the same situation with the peasantry and small farmers of Ireland, they would not only do the same, but that they would not bear one-tenth part of the oppression which the Irish bore; and if it was said that they were brutes and savages, because in resentment for the treatment they met with, they committed gross outrages, he would reply that men were always brutes and savages, when they had been trampled on, and got the upper hand. But, what then was the condition of this people? That was, after all, the question which the House ought conscientiously and fairly to put to itself before it proceeded to deal with this Irish question in the manner proposed by the Government. It was wretched, he declared, beyond all parallel. He challenged them to produce any evidence that

did not bear him out. Take the blue books, take the works of travellers—take Kohl, take their own Commissioners—take Mr. Foster, *The Times'* Commissioner—all concurred that the condition of the Irish peasantry was wretched in the extreme, and that their patience in supporting this wretchedness was almost beyond belief. In Ireland there was no such broad distinction as existed in England between the farmer and the labourer. Dr. Kane said, that of the whole population in Ireland, 66 per cent lived by agriculture, instead of 28 per cent, as in England, and that the great mass of farms consisted only of very few acres—out of 685,309 farms 558,043 being under fifteen acres, and 306,915 under five. When, therefore, they talked of an Irish farmer, they talked of a man who was only one degree better than a labourer in England. What rent, too, did they pay? Mr. Wiggins said—

"It is an undoubted fact, that, as landlords, Irish gentlemen exact more from their tenants than the same class of men in any other country."

He believed it would be found that rents in Ireland were from 80 to 100 per cent higher than in England, while the land was let without fences, houses, or farm-buildings of any kind, all of which, except on the best managed farms, were provided by the tenants and not the landlords. You found everything there merging in rent, at least everything beyond a bare subsistence, that subsistence being throughout large districts lumpers and pepper water. In Mr. Foster's book upon Ireland, which had just come into his hands, he had read a statement made by a large farmer on the Marquess of Conyngham's estate to Mr. Foster. It was this:—

"Not a bit of bread have I eaten since I was born, nor a bit of butter. We sell all the corn and the butter to give to the landlord; yet I have the largest farm in the district—(he held seven cows' grass at 16*l.* rent)—and I am as well off as any man in the country."

Mr. Wiggins said—

"The possession of land is so indispensable, that much beyond what it can possibly produce will be eagerly offered as rent."

Ay, and taken in the way of rent; but not only more than the land could produce was paid in rent to the landlord, but there were, in addition, duty rents (cutting turf, pigs, poultry, &c.), and agents' fees, the last being paid by a per centage on the rental, which induced the agents to create rent wherever they could. The consequence was perpetual revolutions—relettings and notices to quit by wholesale. This led to the system of joint tenancies (a contrivance to render solvent tenants responsible for insolvents), and to infinitesimal subdivisions of land—the worst possible tenure, and the worst system of cultivation. The tenant was consequently reduced to the lowest state of misery and despondency of being never able to see his way from year to year. In a great part of Ireland there were no leases and no agreements; and whenever it was found that improvements had been made, the rent was increased. But if this went on—if the tenants were forced to content themselves with the most miserable subsistence, and the state of agriculture was most wretched, and the produce of an extremely fertile country far below what it ought to be, what was it all owing to but the system which had been pursued? If these circumstances continued unaltered, he did not hesitate to express his conviction that they would see all other agitations in Ireland merge into a general agitation against rent. He would, therefore, ask the landlords of that country, who were now looking quietly at what was going on under their eyes, how they proposed to deal with it when the evil hour came? The word "landlord" was, perhaps, an improper term. The landowners were themselves the victims of the system which had been handed down to them by preceding generations. Many of them were the mere nominal owners of estates, which were so burdened by settlements, mortgages, and debts, that they could not improve the land or do justice to their tenants, even if they had the will. The land was often let on leases renewable for ever, and sublet by the first leaseholder to one or more middlemen, each of whom had his profit before it came to the small farmer or cottier; each remove from freehold ownership being a fresh source of extortion. During last century hardly any person belonging to the middle classes put his son into a profession. They lived by subletting, and subletting, and subletting again, at increased rentals; and to get that rent they tolerated that system of subdivision by the tenants, which had been carried to such an extent that there were parts in Ireland in which rent and cultivation had almost ceased to exist. But if the state of the farmer was such as he had described it, what was the state of the labourers? Worse, if worse could be. They were to be seen living throughout the greater part of Ireland in a state which

was fitter for brute beasts than for human creatures. They lived in huts of sod roofed with bog-sticks, and thatched with potato haulm. [Sir Charles Coote: No, no!] Did the hon. Member mean to deny that this was the case? Was it not the uniform testimony of all who had visited Ireland that the hovels of the peasantry were the most miserable that could be imagined; that of day clothing they had hardly any; that they had often no bed-clothes at all—that they slept on straw or rushes? He found it stated, for instance, by Mr. Binns, that—

"If a poor family can procure a pennyworth of buttermilk occasionally, to be divided between six of them, they were satisfied."

He found it also stated that wages were 6*d.* a day, and that even at these low wages there were many months of the year in which able-bodied men were totally without work, "walking about dragging sorrow after his heels," as one of them said who was examined before Lord Devon's Commission. Mr. Kohl, too, went over the whole of Ireland, and what was his impression? He said—

"I remember, when I saw the poor Lettes of Livonia, I used to pity them. Well, Heaven pardon my ignorance! I knew not that I should ever see a people upon whom Almighty God had imposed yet heavier privations. But, now that I have seen Ireland, it seems to me that the poorest of the Lettes, the Esthonians, and the Finlanders, lead a life of luxury compared with that of the Irish cottier."

He had had a conversation lately with the hon. Member for Stockport (Mr. Cobden), and they all knew how keen was the eye and how just the conclusions of that Gentleman. That hon. Member had told him that one autumn he spent three months in Ireland, and that chance took him direct from Ireland to Egypt, and that, comparing the condition of the Egyptian Fellah and the Irish cottier, considering the climate, he was of opinion that the condition of the former was infinitely the better of the two. The fact was, that in Ireland no man could live without land, however small the portion that fell to his lot, or however high the rent which he paid for it; 7*l.*, 8*l.*, and even 12*l.* an acre were sometimes paid for conacre ground on which to grow potatoes. Mr. Nicholls, a man on whose evidence Government had relied in very important cases, said that—

"The only means by which a man can procure food for his family is by getting and retaining possession of a portion of land. For this he has struggled. For this the peasantry have combined, and burst through all the restraints of law and humanity. Land to them is the first necessary of life."

He found Mr. Binns also bearing testimony to the beautiful resignation of the peasantry under their privations—to their cheerfulness, their hospitality, their courtesy, their strong sense of religion, which supported them under all they endured. Mr. Binns said—

"A woman told me they had hard fare and many disappointments; but God prepared the back for the burden." "Their children were healthy." "God ordered it so to the poor."

And these were the people whom the House were called upon to coerce—these were the people whom they were called upon to shut up from sunset to sunrise in their miserable hovels, in order to teach them to love and respect the law, which, like the stick to the Egyptian Fellah, was constantly an instrument of oppression in the hands of the landlord. Now this Bill was intended to reconcile them to the law; or, if hon. Members liked the expression better, it was intended to put an end to the struggle between the mass of the population and the law. The struggle was a very old one. The whole history of Ireland was the history of a perpetual strife between the people and the law. Let them go back to the middle of last century and look at the penal laws which were enacted. What did these penal laws do? They established two classes—Protestant landlords without any legal responsibility, and Catholic helots without any civil rights. There was nothing which the one could not inflict, and nothing which the other was not forced to endure. These laws had happily ceased to exist; but not the feelings out of which they arose. They had had the tithe war and the church cess war since the Emancipation Act, and now land was the prominent subject of contest. The bailiff had taken the place of the tithe proctor, but the conflict was essentially the same. And what did the Government propose to do? Why, once more to coerce the people. All the facts which he had stated were admitted to be true; but he was told that before a remedy could be devised for them, the authority of the law must be vindicated. The Legislature could not allow Ireland to be governed by a tyranny worse than the Westphalian Vehmgericht. A man could not dismiss his servant but he was called to account by secret and irresponsible judges. A man could not deal honestly with the labourers whom he superintended

except at the risk of his life. He admitted that this was a state of things which ought not to be allowed to endure. He would go as far as any man to put it down. He did not care what unpopularity might attach to the remedial measure—he was prepared to go with Government, if they could show him that they were ready to grapple not only with the criminal, but with the causes of his crime. He admitted that the present state of things was fatal to the peace of the country; that it was fatal to the interests of the peasantry themselves; and that it would be a disgrace to humanity to allow it to last one moment longer. But they came back to the question of what was the remedy. What had they done in previous years?—what had they done in the matter of tithes? First, they tried coercion and the collection of tithes by the army and the police. Well, that did not answer. In 1834 a return was obtained, showing that at the expense of 12,000*l.*, 80*l.* or 90*l.* of arrears had been collected. Coercion had not answered there, at all events. Well, what did they do next? They altered the law; they converted the tithes into a rent charge; they transferred the liability from the tenant to the landlord; and experience had proved that this was one of the most wholesome and effectual reforms ever made in Ireland up to the present day. Then there was the church cess. As long as they insisted on collecting that, it formed a perpetual source of bickering and animosity between the established clergy and the people; but at length the late Colonial Secretary (Lord Stanley) brought in a Bill to change the law. He admitted that the church cess was "a galling blister" upon the Catholics, which no British Government ought to have imposed. They did away with it; and from that day to this they had never heard a word more about church cess war. On both of these points the Government were unable to vindicate the law as some people wished to see it vindicated; and they yielded and gave the points up, because they felt that though they were law they were not justice. They were aware that they were law-makers, and that they were bound to make the laws just. They admitted Lord Chatham's distinction between law and right. Lord Chatham truly said that these were not always the same thing—that the cobwebs of the law were sometimes spun over the question of right until they obscured plain common sense, and that it was the duty of the Legislature to brush them away. They were bound to deal with the disease, and not merely with the symptoms of the disease. He wanted to probe this question to the bottom—to go to the root of it—without which they never would be able to apply a proper remedy. He believed that nothing but a sense of the grossest injustice could band a whole people together against the law—and the Irish people were banded together against the law—a large proportion of them at all events were so. He admitted that the Irish people were naturally a moral people, as compared with the people of this country—a people, of whom Mr. Nicholl had said with truth during a famine in Donegal, "the people starved but would not steal." He believed crimes against property were rare, and that attacks upon life almost all arose out of the contest about land. He was quite prepared to take strong measures against crime; but he wished the cause to be removed—and they had traced the cause to the pressure of the population on the means of subsistence. They found that in Ireland no man could live without land, and that this grievance was pressing more and more upon the population, until it led to violence and outrage. They must grapple with it, if they wished to make their interference effectual. He recollected that Mr. Nimmo, an engineer of great eminence, when advocating a better mode of regulating the relations between landlord and tenant, before a Committee of the House of Lords, was asked by one of the Peers present, "What! you a free trader, and not the advocate of free trade in land?" "If there is a free trade in land in Ireland," was the reply, "there must be a free trade in gunpowder." Why was the north of Ireland more tranquil than the south? It was because in the north the people enjoyed the protection of the tenant-right. He was no admirer of the tenant-right, which he considered as a clumsy substitute for good laws; but he believed that as matters at present stood in Ireland, it was indispensably necessary for the protection of the people, and that it was, to a great extent, the cause of the tranquillity which existed in the north. The right hon. Baronet (Sir J. Graham) seemed to doubt the truth of this assertion; but he (Mr. Ward) believed that the fact was indisputable. Now, he thought the real question for Parliament to consider was, as to what should be the remedy for this state of things? Many suggestions had

been thrown out. A noble and learned Lord in another place had recommended as a remedy, the absolute inviolability of the rights of ownership. Now, this, to his mind, seemed absolute nonsense, when it was the abuse of the rights of ownership to which every disturbance might be traced. He (Mr. Ward) agreed with another noble Lord (Lord Fitzwilliam) who said that it was very unwise to inquire too narrowly into the question of proprietorship in Ireland, and that the best security for the landlords was to bring their rights into harmony with the interests of the people. He would force the landlords to deal with the Irish people as they would be obliged to do if they had not the power of England to fall back upon. He objected to the present Bill, because it would not do this, and because it would confound the innocent with the guilty; because it would enable a magistrate to lay hands upon any person who happened to be obnoxious, and rid the country of him, by acts which he (Mr. Ward) was sorry to say were but too well understood in Ireland. The clearance system, against which there had been an unanimous expression of feeling in that House, particularly against the wholesale instances which had recently occurred—the clearance system would find in this Bill invaluable support; and he was sure that, if that system went on, in spite of the warnings which the right hon. Gentlemen opposite (Sir J. Graham) had given to the parties who were carrying it out—if that system went on, his hon. Friend near him (Mr. W. S. O'Brien) would find—although he did not wish it—a new and powerful argument in favour of Repeal. One object of their legislation should be to render the Irish cottier or farmer secure in the occupation of the land. He (Mr. Ward) would take away the power of ejectment and distress, except in cases where the land was let upon lease; he would give facilities for breaking up encumbered estates which were barred against improvement; and he would deal largely with waste lands. He believed that there was a middle class ready to spring into existence the moment they were offered land upon reasonable terms; and he thought there was a noble field for the exertions of this middle class in the cultivation of improvable waste lands. He did not think there was any deficiency of capital in Ireland for this purpose. He was no lawyer, and could not say what course should be adopted for working this plan; but the practicability of it was admitted by men who had the best knowledge of Ireland. A middle class like that to which he referred would form the best basis for an improved franchise, as well as for improved municipal institutions. He believed also that it would be the best cure for absenteeism; and although he considered that the economical evils of absenteeism were exaggerated by some of his hon. Friends, he admitted that its moral evils could hardly be exaggerated. The right hon. Gentleman the Secretary at War had told them that the cure for those evils lay with the next generation; but Lord G. Hill's recent publication (*Facts from Glendore*) afforded the most signal proof that, even in the short space of seven years, the efforts of a resident landlord of moderate means, but guided by good sense, good temper, and sound judgment, might be crowned with complete success. He might be told that there were other things which Parliament must be prepared to do, if it meant to pacify Ireland. He knew it; but the worst evils were clearly social evils; and he thought that their cure could not be effected by political remedies. Increase of the franchise and Church reform, much as they might severally be wanted, would not of themselves be sufficient. It was the custom with many to lay all the evils of Ireland at the door of the Government; but it was more easy to do this than to prove the truth of the imputation. The hon. Member for Limerick attributed the social evils of Ireland, the poverty of the people, and the absence of enterprise, to the want of that capital which in England was so abundant. But Dr. Kane, whose book was often quoted in Conciliation-hall, and who deserved to be relied on for his impartiality and acquaintance with his subject, told a very different story. He said, in his admirable work on the *Industrial Resources of Ireland*—

"There is another circumstance, so popularly counted on as a most material obstacle to the development of industry in Ireland, that I cannot leave the subject without briefly adverting to it; that is, the want of capital. This has been the bugbear of Irish enterprise for many years. England has capital—Ireland has not—therefore England is rich and industrious, and Ireland is poor and idle. But where was the capital when England began to grow rich? It was the industry that made the capital, not the capital the industry. An idle or ignorant man will lose his capital, when an active and intelligent man will create a capital. We leave our fields in barrenness, our mines unsought, our powers of motion unapplied,

waiting for English capital. Labour is capital, intelligence is capital; combine them, and you more than double the amount of your capital. With such capital England commenced as Ireland must commence; and once that we have begun, and are in earnest, there will be no lack of money capital at our disposal. The fault is not in the country, but in ourselves. The absence of successful enterprise is owing to the fact that we do not know how to succeed: we do not want activity, we are not deficient in mental power, but we want special industrial knowledge. England, which in absolute education and in general morality is below us, notwithstanding our criminal violence, is far above us in industrial knowledge. The man who knows not how to read or write, who has never been at church, who never taught his child to reverence the name of his Creator, will be a perfect master of his trade."

He (Mr. Ward) quite agreed with Dr. Kane. He repeated that, in his opinion, political change was no cure for social evils. As matter of feeling, the political questions affecting Ireland were of the utmost importance; the Church question, in particular, was one of that magnitude and urgency that it could not be much longer neglected by statesmen deserving of the name. But those questions were of secondary importance to the social questions involved in the present condition of Ireland. If it was desired to secure the rights of property in that country, a better mode could not be adopted than to secure to the great body of the people the means of existence. He knew the difficulty of legislating on such questions; but he maintained, before they again had recourse to this coarse and vulgar expedient of coercion, they were bound to remove all the existing bars to the industry of the Irish people, to throw open a larger field for the exertions of the population, and to remove those restraints on their industry and enterprise which were presented by the present state of the law with respect to landed property. If these objects were accomplished—if these things were first done—he should then be prepared to go along with the Government in any measures, however strong, to put down crime, because he conceived that he would then be doing what would be best for the interest of the Irish peasantry themselves, and that then they would see the country in a peaceful and flourishing state.

Mr. VERNON SMITH said, that as none of the legal functionaries of the Government then present exhibited the least sign of an intention to address the House on the most important question of law before them, and as none of the Irish supporters of the right hon. Gentleman opposite had risen to say one word in behalf of the present Bill, he, as an English Member, preferred to incur the charge of want of information, presumption, and ignorance, rather than that of recklessness and indifference by giving a silent vote. He could not quite agree with the hon. Gentleman who had last spoken, in thinking it was most desirable that measures for the prevention and stoppage of crime should be preceded by measures for the redress of those grievances from which crime was believed to originate. He thought, on the contrary, that it was the bounden duty of the Legislature to check the career of crime, before they attempted to redress the causes of it. When a Minister of the Crown, charged with the grave responsibility of office, made a statement in that House crying out "murder" and "fire," and exciting the feelings of hon. Members to a very great degree, there was some danger that many of them would find themselves carried away by the heat of the moment to give a vote of which their judgments, on cool reflection, would not approve. But for himself, he must say, he was not able in any way to connect the statement of the right hon. Gentleman with the remedy which he proposed for the evils to be removed. The right hon. Gentleman stated that in Ireland juries could not be found to convict, nor witnesses to give evidence; and yet the Bill proposed to act by the very juries which were declared to be inefficient, and its objects were to be effected by the very means which were said to be inadequate. There was no proposition for a change of venue; no alteration to meet the evils complained of. He could have better understood the introduction of a harsher measure than the present—harsh as it certainly was—as being more likely to put down crime in Ireland. He could understand the argument that the state of things in Ireland was so disorganized and desperate that the House must depart from the practice of the Constitution, in order to find a remedy; but he could not understand the object of a Bill like the present, which appeared calculated rather to irritate than to intimidate. The manner in which it had been conducted in its progress though the House was, in his opinion, very peculiar, and savoured somewhat of levity. He could hardly think the Government had any serious opinion as to the necessity for the measure, if he were to judge from the course they had taken respecting it. It had not been pressed

through the House of Lords with that haste that would have argued the belief of its supporters in its immediate necessity. No Standing Orders had been suspended to give it place, nor had any steps been taken which might have evinced its sudden emergency; but it came down to that House in the usual course, like any ordinary measure. The real opinions of persons were sometimes better shown by slight circumstances, than by formal statements of sentiment; and he could not help alluding to the easy way in which the fourteen years' transportation clause had been treated in its passage through the Upper House. When a noble Lord, in a very quiet manner, objected to the severity of that clause, the noble Lord who had the conduct of the Bill, in the most gentle and easy way imaginable, at once struck off seven years from the period. Was that a way in which a Cabinet Minister—a man charged with a grave responsibility in affixing the amount of punishment to be awarded to crime, should deal with so important a subject? He thought the measure most objectionable, from the manner in which it had been conducted through the House, and from its spirit and details. It was absolutely necessary that something should be done to put a stop to crime. At the same time it had been evident throughout the discussion, that great advances had been made in the spirit in which the causes of crime in Ireland had been treated in that House. The hon. Member for Cork certainly had alluded to the representation; but he (Mr. Vernon Smith) did not suppose the hon. Member, or any one else, imagined that a single murder had ever been committed in order to secure another Member for Ireland. Religion had nothing to do with this matter. Much as he felt respecting the condition of the Irish Church, he was happy to think that it was not mixed up with the question of Irish crime. Discarding any considerations of the representative system, or of a religious nature, it was evident that the House must betake themselves more assiduously than ever to inquire into the occupation of land in Ireland. People in this country were apt to say that the Irish committed terrible crimes for very slight reasons, and exclaimed against the horror of shooting a man because he took a piece of land from which another had been ejected; but it must be recollected that in Ireland land was money. It was the only means of procuring subsistence which the inhabitants possessed. All the crimes committed in this country for the purpose of procuring money, and from causes connected with pecuniary considerations, in Ireland were entirely resolved into crimes connected with land. When the question of landlord and tenant had been alluded to, the right hon. Baronet the Secretary for the Home Department exclaimed, "Hush! you must not mention that subject! you will only excite ill-feeling and disturbance if you do." He thought that injunction came very badly from a Member of that Government which had, as he believed, so properly issued a Commission to inquire into the relations of landlord and tenant, and on the Report of that Commission had introduced a Bill so ill devised that it had been rejected on its first stage. To that question, however, the House must come, and from it they must not shrink. When one talked of land in Ireland, it should be considered how different were the conditions by which it was held in various parts of that country. Some lands were badly managed; others were in as high a state of culture as any in England. There were three questions which bore upon landed property in general. The first was the relief of the able-bodied poor—the second was the clearance system—and the third was the tenant-right. If the first were to be established, the House should be prepared to discuss the propriety of permitting such a charge upon property, to prevent such occurrences as had recently taken place. The right hon. Baronet, in reference to the statements of the right hon. Member for Limerick respecting the clearances on the Gerrard property, declared he would be prepared to take legal steps to prevent such things. That would certainly be a great interference with the rights of property; but the House was bound to consider it, because no man could be permitted to do things at which humanity shuddered, on the plea that the land was his, and that he would do as he liked with his own. Whilst the House, however, professed a desire to put an end to the clearance system, they had made the facilities for ejection greater in that country than in England. He could not view with any admiration the establishment of the tenant-right, for if it were to be extended universally to all parts of Ireland, it would, in his opinion, amount to a confiscation of one-third, or rather one-half the property of the country. Where it already existed, as in Ulster, it might be sanctioned by law, as it was now by custom; but it would

be most unjust to extend this right, which was valued at 10, 15, or even 17½ years rent, to all parts of Ireland. The phrase in England did not bear an analogous meaning, and was restricted to mean the value of improvements effected by the tenant in his farm. Each of these three remedies, then, involved immense interference with the extreme rights of property, if such extreme rights deserved the name of property. Every Paper laid on the Table of that House contained some suggestion which would serve Ireland, were it only carried out. In reading the Report of the Tidal Harbour Commission, he was struck by the expression that "Cork Harbour had been the victim of half measures." He feared that the application of the phrase might be extended from Cork harbour to everything connected with Irish affairs, and that Ireland had been too often the victim of similar half measures. When the hon. Member who had last spoken alluded in terms of commendation to the conduct of Lord G. Hill, he forgot to state that the exertions of the noble Lord had not been expended on his hereditary patrimony, but that he had purchased the 23,000 acres of land which he had so wonderfully and creditably improved. In the account of his efforts, which was not less amusing than extraordinary, it appeared that he found the land divided in the most curious manner. The wretched system of rundale was in full force. Every tenant was supposed to have a bit of good, a bit of middling, and a bit of bad land in the portion he held, which was known by the name of "a cow's grass." That portion did not nearly amount to an acre; it was divided into four parts, and each of those parts was subdivided into four parts called cleats, and this system of minute division offered the greatest obstacle to any improvement. In his attempts to alter that system, Lord George Hill met with great opposition, sometimes with violence—but by energy and perseverance he overcame it all. Not only did this division exist in land, but it was extended to animals. There was an amusing account of a man who had a share in a horse along with three others. The man came and complained to the magistrate that during a certain period he had shod the fourth hoof three times, whilst his partners had not shod their respective hoof at all; and he begged that the magistrate might grant him some means of redress for his injuries. The people had painted their own condition in a poetical statement, which he would read to the House :—

> "You landlords all, I pray draw near,
> A comical story you soon shall hear,
> Of a property situate in Donegal,
> Held by a hundred tenants in all,
> And each having seven young brats to squall.
> "Although each farm was in rundale,
> To divide each plot they would not fail
> With son or daughter, aye, or mother,
> With either uncle, aunt, or brother;
> And thus they divided with one another.
> Although each holding would'nt feed an ass,
> It went by the name of the cow's grass.
> For I have had two, Teague two and a half,
> Manus five-eights, and Margery a half,
> Each portion was only the breadth of a staff," &c.

Such was the state of things Lord G. Hill had to contend with. He redivided the land he purchased, and though he was opposed at first, eventually he was applied to by those persons who held by the old rundale system to divide their lands also. He offered premiums for neat whitewashed cottages. In the first year no one applied for them. In the second year there were forty, and in the third year 200 competitors. Surely the conduct of this noble Lord, in improving an estate acquired by purchase, the tenants on which had no claim on him, should be imitated by those who had patrimonies and estates to attend to. It appeared to him that the condition of Ireland would and must be unhappy, as long as they were ready to pass permanent measures for her temporary calamities, and to meet her permanent evils with temporary measures. As regarded his vote that night, the conduct of Government had placed him in a most awkward position, because he was not prepared to say that something ought not to be done to put an end to crime in Ireland, and it would be a most unusual course, with that conviction on his mind, were he to vote against the first reading of this Bill, after it came down from the Lords. He would, however, reserve to himself the right of opposing any portion of it he conceived to be objectionable in its future stages and in Committee, and it was only with that explanation that he would give his vote for the first reading of the Bill.

Mr. M. GORE supported the Bill. As it was his intention to vote for the first reading of the measure, he was anxious to explain the reasons that induced him to do so. It was founded on the principle that there was something in the state of Ireland which did imperatively require the interference of the Government and of the Legislature. To that principle he fully

adhered; and it was one to which no person who took an impartial view of the circumstances of the country could for a moment object. In assenting to the first reading of a Bill such as the present, the House would approve of a measure which varied from the strict principles of constitutional government. There was, however, something in the condition of Ireland which required extraordinary measures; and they had the authority of Mr. Burke for acknowledging the influence of circumstances in determining the application of the principles which related to the social and political condition of a country. A disposition had been shown by a portion of the Irish people to shelter assassination; and hence it had been found necessary to propose the present measure. Concurring, as he did, in its objects, he gave his most decided support to the first reading of the Bill; and would, with the permission of the House, advert to a few of the points which had been raised in the course of the debate. It was their duty to maintain the supremacy and majesty of the law; to take care that it should be fairly, impartially, yet firmly, administered; to see that all parties without distinction, Protestant or Catholic, priest or layman, should be compelled to bend in submission before the authority of the law. It was their duty to see, not only that the law should be obeyed, but that it should be respected. While, then, he was, on the one hand, determined to support the principles of the measure; he was, on the other hand, prepared to express his conviction that any measures which could be brought forward to promote the social and political welfare of Ireland ought to command the acquiescence of that House. He was very much disposed to agree with the hon. Member for Sheffield (Mr. Ward) in thinking that the evils under which that country laboured were social rather than political. As regarded surplus population, he admitted it to be a great evil; but it was a singular fact, that if they looked back to previous periods of Irish history, they would find the complaint then generally made was not that there was an excess of population, but a deficiency; and it was curious to trace the circumstances under which the surplus population of the western coast of England was transferred to Ireland for the purpose of supplying the wants of the latter. The allusion of Dean Swift to the emigration of people from Chester to Ireland, might be in the recollection of some hon. Gentleman; and Lord Bacon, long before, had pointed out the transfer of the surplus population from England as a remedy for the deficiency of the population in Ireland. The Irish labourers were not, generally speaking, so well advanced as the English in industrial knowledge; and in illustration of what might be done to stimulate improvement in that respect, he might refer to a statement which he had read in reference to the employment of Irish and English labourers on certain public works. Many hundreds of Irishmen were employed at 10*d.* per day. They worked slowly and ineffectually; English labourers were introduced who were paid 1*s.* 6*d.* per day. The Irish struck work, and demanded that all should have 1*s.* 6*d.* a day. The English feared for their lives. The police and military were called out, and the affair might have ended in a scene of blood, adding another to the tales of horrors so industriously circulated about the savageness of the native Irish. At this moment one of the principal engineers, an Irishman, respected by the people for his abilities, and esteemed by them as a countryman, came amongst them, and, penetrating into the mass of excited labourers, arrested and gave into custody all the ringleaders. The crowd of labourers would not do him an injury. He then quietly explained to them that the Englishmen did much more work, and deserved to be paid higher; but that he would be very willing to secure 1*s.* 6*d.* per day to any man who would do as much work as the Englishmen, and more, if they could do more. He proceeded to show them, that from their rude way of managing their tools they wasted their strength, and that by simple improvements a great deal of time could be saved in their operations. The people knew and trusted him; the police and military were withdrawn; the whole body of labourers went to work; and, after the first Saturday night, they found that without combination or violence, they could earn more money by applying themselves steadily to do more work. After some weeks there were very few of the men earning less than 1*s.* 6*d.*, and many 2*s.* 6*d.* per day. Nor was that a solitary instance; but that it would be wearying the House, he could refer to other accounts, all tending to prove that the Irish people would display the same industry as the English, if they had the same knowledge; properly instructed, they would make as good workmen as those of this country or any other. An eminent Belgian Minister,

when endeavouring to impress on the people of Belgium the importance of industrial education, pointed out the contrast between Great Britain and Ireland, and attributed the flourishing condition of England, compared with the depressed state of Ireland, to the superiority of the former country in industrial knowledge. Major Beamish, of Cork, gave the same testimony; he stated that the want of capital was not the only cause of the difficulty of farming; capital could not produce its full effect without knowledge in the application of it: with proper instruction he thought the present amount of capital might be made to produce fourfold. For this reason, they ought to promote as much as possible the formation of that middle class in Ireland, who would instruct those below them, and the want of which had been the cause of so many evils. He was not, however, so surprised at the absence of such a class, when he looked at the early history of Ireland. In the time of Henry II., when Ireland was conquered, it was long before it was brought under English laws; factions and divisions continued to exist, and the Brehon laws prevailed. Ireland had not had the same advantages as England. In the time of Charles II. great jealousy prevailed in this country of the importation of cattle from Ireland, and a Bill was passed to prevent it. The people not being allowed to export their cattle to England, thought the best course they could take was, as they could not send their sheep away, to promote the woollen manufacture at home; they did so, and in the reign of William III. a great jealousy arose in England of the increase of the woollen trade in Ireland, which the Government checked and discouraged. Though he was as anxious as any one to maintain the supremacy of the law, it was impossible to look at the history of Ireland without seeing that it had been subjected to great evils. It was to be lamented that Mr. Pitt, at the time of the Union, was prevented from carrying into effect the measures he contemplated. In introducing the measure of the Union, Mr. Pitt said—

"I say that Ireland is subject to great and deplorable evils which have a deep root, for they lie in the situation of the country itself; in the present character, manners, and habits of its inhabitants; in their want of intelligence, or, in other words, their ignorance; in the unavoidable separation between certain classes; in the state of property; in its religious distinctions; in the rancour which bigotry engenders and superstition rears and cherishes. The state of society is such, that laws, however wise in themselves, will be ineffectual as to their object until the manners and customs of the people are altered. Men are in a state of poverty, in which it is impossible they can have any comfort. The progress of civilization depends in a great measure on the distribution of wealth; the improvement of that wealth depends much on the distribution of capital. All the advantages to be derived from an increase of national wealth depend much on the temper of the inhabitants. Those advantages, together with the great advantage of mental improvement, are all retarded by the distractions and divisions of party, by the blind zeal and frenzy of religious prejudices, by old and furious family feuds."

In this passage Mr. Pitt had pointed out the causes of the calamities of Ireland; those evils still existed, and till they were remedied it would be in vain by any partial legislative measures to attempt to restore permanent peace. One curious circumstance proved the great injury caused in Ireland by party conflicts. The Dublin Society, almost in its very foundation, applied itself to the culture of flax; and as early as 1739 published papers containing every detail of the processes as laid down at the present time; but up to a recent period those rules had been inoperative, owing to the unsettled and distracted state of the country. On whatever ground the battle of party might hereafter be fought, he hoped that Ireland would be sacred; that country had been too long the scene of party conflict; he hoped both sides would draw a veil over the past, and unite in whatever measures might be necessary for the permanent improvement of the country. The right hon. Secretary of State for the Home Department had on a former occasion remarked on the efficacy of public works; wherever they had been carried out they had essentially benefited Ireland. Dr. Kane stated several instances. Here was one:—

"Clifden, in Connemara, and vicinity, in 1815, contributed no revenue; up to 1822 scarcely a stone of oats could be got. In 1836 it was an export town, sending out 800 tons of oats, and producing to the revenue annually 7,000*l.* From the expenditure in Connaught, in eleven years, of 160,000*l.* in public works, the increase of annual revenue from the province has become equal to the entire amount. In Cork, Mr. Griffiths expended 60,000*l.* in seven years, and an annual increase of customs and excise of 50,000*l.* was derived from places benefited by those works. These should not be called grants of money, but investments of capital, with realization at enormous profit."

The hon. Gentleman also read the following extract from the memorial of Mr. M'Kye, a teacher in the National School, presented to the Lord Lieutenant, describing the state of the people at Gweedore, on the north-west coast of Ireland:—

"There are about 4,000 persons; none of the married or unmarried women can afford more than one shift, and a great number cannot afford any; and more than one-half of both men and women cannot afford shoes to their feet, nor can many of them afford a second bed, but whole families of sons and daughters of mature age indiscriminately live together with their parents, and in their bare buff. They have no means of harrowing their land but with meadow rakes. Their farms are so small, that from four to ten farms can be harrowed in a day with one rake. Their beds are straw, green and dried rushes, or mountain bent; their bedclothes are either coarse sheets, or no sheets, and ragged filthy blankets. The generality of the peasantry are on the small allowance of one meal a day, and many families cannot afford more than one meal in two days, and sometimes one meal in three days; their children crying, and fainting with hunger, and their parents weeping, being full of grief, hunger, debility, and dejection, with gloomy aspect, looking at their children, likely to expire in the jaws of starvation."

The hon. Gentleman also read a statement of the successful efforts made by Lord George Hill on this very property, and which had removed the state of misery alluded to in the memorial, to show what might be done if the people were properly instructed to exert themselves; and said, that though the question had so often been discussed, yet if it was treated in a firm and temperate manner, he believed it was possible to raise Ireland to the proud position she ought to occupy in the scale of nations. If they looked at the former history of Scotland, they would find accounts of distress and suffering quite as great as that of Ireland at the present time; the statements of Fletcher of Saltoun proved this. The condition of the people of England itself at earlier periods had been as bad; there was nothing peculiar in the state of Ireland that made improvement impossible. The state of things that occasioned such distress had been surmounted in England and Scotland—why should it not, then, be surmounted in Ireland? He remembered a beautiful passage of Southey, illustrating the power of kindness over the heart of the poor. That writer said—

"Just as the tendrils of the sea anemone open to the returning wave, so will the heart of the poor man, if kindly treated, expand beneath that kindness."

He should support the principle of the Bill, which was intended to maintain the supremacy of the law; but whatever measures might be proposed for the political and social amelioration of Ireland should have his strenuous support; and any Minister who should direct his attention to this subject, and succeed in restoring peace, tranquillity, and happiness to that long afflicted country, would gain for himself a lasting reputation, and go down to posterity—

"Equal in fame to proudest conquerors."

SIR W. SOMERVILLE said, that as he should feel it his duty to vote against the first reading of the Bill, and as he knew he should lay himself open to much misrepresentation in so doing, he begged to trespass upon the attention of the House for a short time. If he wanted a proof of the lamentable effect which legislation had hitherto had upon Ireland, he should find it in the fact that after a connexion of some centuries, and a legislative union of half a century, the House of Commons were now engaged in considering a measure the object of which was to prevent the subjects of Her Majesty from appearing out of their houses between sunset and sunrise. But however melancholy this state of things, he admitted that if crime were so prevalent in Ireland, Government were bound to apply a remedy. But first it was incumbent upon them to prove the existence of the crime; secondly, if it did exist, that they had exhausted all constitutional means of putting a stop to it; and thirdly, that the remedy they proposed would be efficacious. As regarded the prevalence of crime in certain districts of Ireland, it must unfortunately be admitted that upon this point there was but too much unanimity on all sides of the House. This he admitted unreservedly, and he could assure the House that he had not words to express the feelings of horror with which he viewed these crimes. Many of them were marked by features of atrocity so repugnant to the Irish character, that he confessed he felt more alarmed at this fact than even at the frequency of the crime itself. There were unhappily attendant circumstances connected with these crimes which proved to him that the demoralization of the people must have proceeded to a fearful extent before such deeds could have been designed and perpetrated in such a country as Ireland. He alluded to the unmanly outrages which of late years had been occasionally committed in Ireland on aged and unguarded persons, not unfrequently, too of the frailer sex; and he regarded as not the least aggravated portion of such cases, that many persons stood by and looked on as unconcerned spectators while those scandalous and unmanly outrages were perpetrated. All who knew anything

of the Irish would concur with him in thinking that such atrocities as these were not in consonance with the general feeling of the Irish people. [*A laugh.*] Gentlemen who did not know that people as well as he did, might laugh or sneer; but those who were well informed on the subject, and who had been resident amongst them, would admit they had in them a chivalrous respect and deference for the female sex, and an innate politeness of nature, for which it would be difficult to find a parallel amongst the inhabitants of other lands. This being the fact, he could not find language sufficiently emphatic to depict the feelings of horror which took possession of his mind in contemplating the gradual increase amongst his countrymen of crimes which were in themselves atrocious, and which, as regarded Ireland, were to a great extent unnatural. Having made this admission, and having furthermore conceded that it was the duty of the Government to adopt measures with a view to checking the progress of these crimes, he had now to ask what he considered a question of great moment—had the ordinary law been exhausted? He doubted it. It was his conviction that their special commission for the county of Westmeath had been signally successful, and had been attended with the happiest possible results. Gentlemen who were resident in that county had assured him that the public tranquillity and good order which had succeeded that commission had been most remarkable, and that scarcely a single agrarian outrage had been committed or attempted since. Surely Westmeath was not the most disturbed part of Ireland. Why not try a special commission for Limerick — for Tipperary — for Clare? or, if necessary, why not have a permanent commission for those counties? Anything was preferable to having resort to those extraordinary and unconstitutional measures, which, while they were totally inoperative of good, had no other effect but that of generating feelings of dislike and disgust at the law. But, even though he wanted other reasons for voting against this most obnoxious measure, the experience of the past would be in itself quite sufficient to induce him to oppose any Bill like the present. Seventeen times since the commencement of the present century had the experiment of coercion been essayed, and in every instance without any beneficial effect. The right hon. Baronet who had introduced the present measure had sedulously avoided saying a single word as to the mode in which this measure, intended as a remedy for a crying evil, was to have a remedial operation by checking the progress of crime. The right hon. Gentleman the Secretary at War had expressed an opinion to the effect that the Bill would check the nocturnal visitings of the evil disposed; but he was not sufficiently rash to express an opinion to the effect that it would stop the horrible crime of assassination. Indeed that point appeared to be given up on all hands. Those deeds of blood were almost invariably committed in the blaze of noon-day; and how preposterous was the expectation that the recurrence of deeds committed under such circumstances would be prevented by locking up in his cabin between sunset and sunrise the reckless, desperate man who was bent on perpetrating them? The noble Lord the Member for Lynn had called the attention of the House to four crimes of a deadly hue which had been recently perpetrated in Ireland; but it was worthy of remark, that every single one of them was committed in the open day. It was folly, therefore, to expect that noon-day assassination could be checked by making prisoners of the innocent and guilty alike during the night. It was his belief that the Bill would not even have the good effect of preventing the illegal meeting of the evil-disposed; for he knew too much of Ireland not to be aware that the meetings in question usually took place not by night, but on holydays and days of idleness. Nothing, therefore, could be more absurd or irrational than to suppose that this Bill would be productive of beneficial effects either in checking assassination, or in preventing illegal meetings. But if it would be productive of no good, would it do no harm? The right hon. Baronet who had introduced the measure had utterly failed to prove that it would do any good. He had utterly failed to connect his remedy with the disease; and now arose the question, whether that which would be inoperative of good might not be actually productive of evil? He (Sir William Somerville) could not resist the conviction that it would be productive of much harm. He was averse to conferring any such inordinate powers on any Lord Lieutenant as were proposed to be bestowed by this most unconstitutional measure. The noble Lord the Member for Lynn had in the course of his speech pointedly alluded to a murder committed in the county Tyrone. [Lord

George Bentinck: By night.] Be it so. Would the noble Lord advocate that the county Tyrone should be put under the operation of this Bill because of that single murder? If he would not, why did he refer to the case? If, on the contrary, he would put the county Tyrone under the provisions of this galling and unconstitutional measure, was there a county in England, Wales, or Scotland, which if, the same policy were to be adopted as in Ireland, should not be submitted to the operation of a similar law? He objected to the measure, because of the inordinate and unconstitutional powers which it proposed to confer upon the Lord Lieutenant; for he could not resist the conviction that consequences the most disastrous and calamitous would follow from the exercise of those powers. How disastrous would be the consequences that would result from the watchings and visitings, the likings and dislikings, the suspicions and the antipathies, of all the officials in Ireland who would be called into active service by this Bill! Policemen, peace officers, and all agents of that description, might be set to work with as great energy and in as great numbers as the Lord Lieutenant might think fit to prescribe; and any one who knew Ireland would admit that it was impossible to exaggerate the evils of such a law. Couple with this the fact, that the man who was to be the subject of these watchings, these likings and dislikings, on the part of officials, was not accused of any crime. He was suspected of being suspicious, and he would have to prove his own innocence. Hon. Members were wont to complain that British law was not popular in Ireland; but the effect of this measure would be to render it more unpopular than ever. A rate was to be levied under this law, and, as if the police were not already sufficiently unpopular, provision was made that it should be collected through their instrumentality. The money, too, was to be rated according to the poor rate, which would have the effect of making that rate more odious than ever in the eyes of the people. If such a rate must be levied, why not make it a county rate? That might save the Poor Law from additional unpopularity; but it was his opinion, let them do what they might, they would find it impossible to collect it at all. Their agents and officers would be disgusted with the duties imposed upon them; the soldiers, too, would be harassed and annoyed by an odious description of service on which they would be employed, seizing the beds and blankets of those who refused to pay the rate; and after all this dispute, it would still be found impossible to collect it. And what would be the effect of the measure on the Government itself? The Government was not now loved in Ireland. It was neither feared nor respected; but after it had attempted, and vainly attempted, to levy this odious tax, it would be in a worse position than ever—more disliked, more suspected, less trusted, less loved than ever. It would be only laughed at for its pains, and the whole population would be bound together to procure the practical defeat of those who originated a measure which, without arresting the hand of a single murderer, would prove in its operation gallingly oppressive of the innocent and well-disposed. In England and in Wales they had not adopted any such course when similar outbreaks to those now unhappily existing in Ireland had challenged the attention of the legislature. How did they deal with the Rebecca riots? Did they suspend the Constitution in Wales? In Carmarthenshire workhouses were attacked, peaceable men were obliged to leave the country, and people were armed and drilled at night. This was a state of things which might perhaps have warranted a measure of coercion; but Government adopted a wiser course. They appointed a commission of inquiry, and when that commission had succeeded in discovering the cause of these disorders, the grievances were redressed, and the riots ceased. Very different was the policy adopted towards Ireland. A commission had been appointed to inquire into what was considered by many (though he did not so regard it) as the master grievance of Ireland—the present state of the relation between landlord and tenant; but from the hour when the Commissioners reported, to the present moment, Government had neglected to bring in any remedial measures with a view to the redress of the grievance. The conduct of the Government in this respect was very singular. He did not require them to act with any indecent haste; but he certainly thought that a moment ought not to have been lost in carrying into effect the recommendation of Lord Devon's Commission. Had the Government any measure, even as yet, ready with a view to the accomplishment of that object? If so, why had it not been placed upon the Table of that House? Such a measure would be

most beneficial, if it went to the point not only of redressing the grievances of the Irish farmer, but of ameliorating the condition of the labouring classes. It had always appeared to him that the great grievance of Ireland was not so much the condition of the farmers, though that was bad enough, as the frightful mass of poverty and destitution which was found to exist among the labouring classes; and he could not forbear expressing a sincere hope that in any remedial measures of this kind which Government might have it in contemplation to bring forward, special attention would be directed to the condition of those classes. There was no people on earth who endured the same amount of misery as the Irish people, and endured it with so much patience. The people of Ireland were not satisfied with the institutions under which they lived. They were steeped to the lips in poverty. They attributed that poverty to defects of the laws; and as the institutions under which they lived upheld and sanctioned those laws, the institutions were consequently unpopular and mistrusted, He thought it a very lamentable thing for Ireland that that country should be ever made the battle-field of parties. Yet so, unfortunately, the fact was. All Irish questions were viewed and weighed in that House, not as regarded their own merits, but as regarded the existence of one great political party or another. This was the case with the Church question, and was also the case with the municipal question. When a message from Her Majesty came down to that House recommending that the municipal institutions of Ireland should be placed upon the same footing as those of England, the right hon. Baronet opposite (Sir R. Peel) rose up and cried "No!" and his colleagues echoed the exclamation. And yet they were now coming forward to say, that that recommendation should be complied with. Look to the conduct of the Government upon the Irish registration question. When that question was first mooted, perjury was so ripe forsooth in Ireland, that the measure would not admit of a week's delay. And yet they had now waited for some years and no Irish Registration Bill was yet before the House. If hon. Members supposed that things of this kind left no impression on the public mind in Ireland, they were grievously mistaken. They produced a most powerful impression, the evidences of which were to be found in the increased agitation in that country, and in the increased determination of a large body of Irish people to look for a Parliament of their own. Such a state of things could not long last without endangering the Constitution, and placing in jeopardy the best institutions, not only of Ireland, but of this country. But he trusted that happier days were in store. He was not without hope that the melancholy existence of the scarcity in Ireland might be productive of some good in testifying that the Government felt some interest in the fate of the Irish people. He would do the right hon. Baronet at the head of the Government the justice to admit that he and his Colleagues had done everything in their power to mitigate the evils under which Ireland was suffering, and that they had taken up the matter in a friendly and generous spirit. But the present measure he would most strenuously oppose, for, unaccompanied as it was by any measure of relief or redress for grievances, which were admitted to be most oppressive, it could not fail to be not only useless as a remedy, but harassing and injurious in its operation. Would they consider for a moment what the course of their legislation had been during the present year? Nothing permanent had been brought forward—nothing that went to the root of the evil. They had measures to check the increase of famine, of destitution, and of crime; but could anything show more clearly the horrible situation of the country than the necessity of such remedies? They owed a debt to the people of Ireland which they never could repay, no matter how they might exert themselves. They might tax all their energies for the purpose, but still, such was the wretched state of the country, they would leave much undone. He begged pardon for trespassing so long on the attention of the House. As he had stated, he avoided all party topics, and confined himself as much as possible to the merits of the case; but, as he before said, he regarded the present measure as most useless and harassing, and he should therefore give his vote against the first reading.

Mr. J. COLLETT said: I hope that as one of the representatives of Ireland, I may be permitted to offer a few short remarks on the Bill now before the House. I do confess that I most unfeignedly deplore the right hon. Baronet's determination to force on a measure so very questionable in its nature, and which requires to be considered with so much care and caution, at

a period when, for all practical purposes, we are almost as remote from the completion of the Corn Bill as we were at the very commencement of the Session. I am as anxious as the right hon. Baronet can be to repress crime; but it is contrary to the analogy of all human experience to suppose that such a measure as that now before the House can, by possibility, effect this object. Let us, Sir, begin to legislate for the social benefit of Ireland, and then we shall in effect begin to legislate for the moral benefit and personal security of the Irish people; we shall most effectually put down crime and arrest the arm of the assassin by sounding the lengths and depths of the desolation and misery which overwhelm the peasantry of that most unhappy, because most ill-governed country. Irish destitution, Sir, is the source of Irish crime—political order will never spring out of social misery; and if, instead of removing the cause, in order that the effect may cease—if, instead of satisfying the yearnings of the Irish people for food and raiment, you give them a Coercion Bill when they ask for bread, you do but legislate in mockery of the accustomed laws of Providence, and your most unnatural and most preposterous Curfew Act will only serve to ring out the knell of your own utter disappointment and failure. If, therefore, the right hon. Baronet, instead of originating measures for doing away with the competition for land, and for giving food and employment to the industrious classes, persists in his attempt now to enforce the first reading of this measure, I am determined to support my hon. Friends around me in availing ourselves of every mode permitted by the forms of the House to impede the further progress of this most odious Bill, which is, in my opinion, neither more nor less than a proclamation to the people of Ireland, that so long as the Union continues they are not to be governed on the principles of reason, humanity, or justice. I have hitherto declined saying anything on the subject of the Repeal of the Union. I am, however, now convinced that no union can be permanent where there is no community of interests; and as measures like the one now before the House render the Act of Union nothing but a lie upon parchment, I now pledge myself to the people of Ireland that so long as I have the honour of being one of their representatives, my humble services will be at their disposal towards procuring for them that which such a Bill as this has rendered necessary to the salvation of their liberties—a domestic legislature of their own.

Mr. JOHN O'CONNELL rose to move, that the debate be adjourned. It was quite evident that the hon. Gentlemen opposite were not prepared to speak. Irish Member after Irish Member had got up on that side of the House. Several English Members had also done honour to their country by the manly opposition which they had given to this measure; but no attempt was made to answer their arguments. The Bill was bad enough in itself; but it was rendered worse by the insulting manner in which the Ministry were treating the Irish Members in regard to it. He would say, that of all the proceedings he ever heard of towards Ireland, the most outrageous, the most insulting, the most utterly unjustifiable, and the most shameful, was the conduct of her Majesty's Government on this question. The Members for Ireland were aware of the manner in which the speeches they made were treated by the English Parliament. They were commented on by the English press and by hon. Members in that House; but he would appeal to any man, whether what had occurred there that night did not afford them the most abundant justification for everything the Repealers had yet said?—whether the utter, the entire contempt shown for Irish matters, was not the fullest proof that they were right in the course which they advocated? They were taunted by the right hon. Baronet the Secretary of State for the Home Department with being a small minority in that House. Was it, he asked, just that such reproaches should come from an Englishman—from one of that country that had deprived them of anything at all approaching to a fair share of representation in that House? They were refused a fair share in the representation, and then, because they were so refused, they were insulted and their complaints set at nought. It was his intention to persevere in this adjournment; and if the treatment shown that night towards the Irish Members and towards the Irish nation were persevered in, he would continue to offer every opposition in his power before the liberties of his country were permitted to be taken away. One hon. Member below the bar had made a good speech, coming from that (the Ministerial) side of the House; but he would ask, was it decent—was it commonly decent—for a dominant country to treat

the few representatives of a country, so long the subject of its hostility, so as not even, with this one exception, to condescend to notice the arguments brought forward against this measure? It was quite degrading enough to the Irish representatives to be obliged to attend there at all. They believed that they were quite out of their place in that House. They felt that they were there greatly against the wishes of the people of Ireland, who had long ago given up all confidence in the British Parliament, and all hope that it would ever do them any good. Their constituents might prefer that they should remain in Conciliation Hall, and they had succeeded in getting merely the silence of the Irish people to their attending to oppose this Bill. As to the approbation of the people, they could not expect it for attending in a Parliament from which they could expect nothing but tyranny. It was, he repeated, therefore, humiliating to attend there at all; but it was doubly humiliating when they were obliged to appear as beggars—to sue for money, or to return thanks for money which was their own, which, if the full amount sought for were doubled by the House, it would still not amount to one-tenth part of what they had been robbed by this country. They had been asked what use they would make of an additional number of representatives. It would have the effect, to say nothing more, of making them perhaps a little more respectful than they were. He would address himself from that House to the people of Ireland, and he would ask them whether they did not see in the proceedings of that night a strong, a full confirmation of all that had ever yet been said of the insulting manner in which their country was treated by England? He had seen the commonest English parochial Bill bring up Her Majesty's Ministers anxious to protract the debate; and yet on a question with which the interests of Ireland were most intimately concerned—a question which involved the connection between the two countries; still, because it was an Irish question, opposed by Irish Members, Her Majesty's Government would not condescend to reply to their arguments. He called, therefore, not on that House, but on the people of Ireland, from this very circumstance, to persevere still more determinedly in seeking for the restoration of that Parliament where their rights and their demands would be sure to be attended to, and their interests treated with proper respect. He would call on every Irish Member to imitate the conduct of the hon. Member for Athlone (Mr. J. Collett), and come, like him, to the conclusion that there was no hope for Ireland—no hope of even decent courtesy being shown towards her representatives save in an Irish Parliament. The hon. and learned Member concluded by moving that the debate be now adjourned.

Mr. W. SMITH O'BRIEN seconded the Amendment. He said he confessed this was one of those steps to which he would resort with very great reluctance; but still he felt that the ground taken by his hon. Friend the Member for Kilkenny was perfectly just. The debate had now continued for three nights, and yet only two Members of the Government had spoken, while not a single Irish Member had yet come forward to advocate the measure. Under these circumstances, it was monstrous to think that the Government should attempt to force this Bill forward against the earnest protest of all those Members who were qualified to speak on behalf of the people of Ireland. If the Government were prepared to speak, let them speak; and if they were not prepared, he could not see why they should object to the Motion for adjournment.

Sir R. PEEL said, he would leave it to the House to judge how far the accusation made by the hon. Gentleman who moved the adjournment was justified. He could recollect no instance in which there was more of respectful attention paid to the statements of Irish Gentlemen than on the present occasion. They had been as yet only four hours debating this evening; they commenced the proceedings that day with the state of Ireland, and the measures necessary on account of the famine existing in that country. In that discussion, three Cabinet Ministers, his hon. Friend the Secretary of State for the Home Department, his right hon. Friend the Chancellor of the Exchequer, and himself, had spoken. They curtailed the holidays for the express purpose of giving an opportunity to the representatives of Ireland of stating their views; every Cabinet Minister in that House was present to hear their opinions; and under these circumstances he would leave it to the House to judge whether the sentiments expressed of a want of respect for Irish Members or Irish interests was justified. They had been informed that it was the intention of several hon. Gentlemen connected with Ireland to bring the

entire question of the state of that country before the House, and an opportunity was afforded them of doing so. Even that evening, although the debate had lasted only four hours, three English gentlemen —his hon. Friend the Member for Barnstaple (Mr. M. Gore), and two hon. Gentlemen opposite, the right hon. Member for Northampton (Mr. V. Smith), and the hon. Member for Sheffield (Mr. Ward), all of whom had spoken with great ability—had taken part in this debate. But further, he would ask whether it had not been universally admitted during the course of this discussion, that although the state of Ireland was such that some remedy beyond the ordinary law was necessary, still there never had been a stronger indication of kindly feeling towards Ireland than on the present occasion. Two Cabinet Ministers — his right hon. Friend the Secretary of State for the Home Department, and his right hon. Friend the Secretary at War, had both taken part in the debate; therefore, so far as the Government was concerned, he should deny that there was any want of respect towards Irish Members. There had not been the slightest interruption given to any of their statements; not a remark was made as to whether the subjects introduced were relevant or not; though he should admit, for his own part, he had heard nothing irrelevant brought forward. There had been not only no want of personal respect, but the deepest interest had been shown for the social condition of Ireland, and a sincere desire exhibited to promote the permanent interests of the country. Under these circumstances he felt that a Motion for an adjournment, after so short a debate, at half-past eleven o'clock at night, brought forward merely on the ground of want of respect for Irish Members, was one in which he could not concur, and he would add, that he never knew of a Motion of adjournment being made on slighter grounds.

Mr. JOHN O'CONNELL explained: With regard to the sympathy shown in that House for the distress existing in Ireland, he had already expressed his conviction of the sincerity of that feeling both on the part of Her Majesty's Government and of the House generally; but to what did that sympathy amount? It was most honourable and creditable; but still could it be denied that similar feelings would not be extended to the natives of India, of Africa, or of the wilds of America? They were not to take credit, therefore, for the expression of such a feeling in order to inflict still greater misery and distress upon the country. He begged also to add that he had not alleged that English Members had not taken part in the debate. He would be very ungrateful indeed if he were to overlook the speeches that had been made by two hon. Members near him that evening, who represented English constituencies, as well as the very excellent speech which had been made on the other side by an hon. Member below the bar; but what he complained of was, that no Member of the Government had spoken—that Irish Members were obliged to get up one after another to repeat the same arguments, in order to prevent the debate from being closed before the proper time, in consequence of the silence of Her Majesty's Ministers.

Mr. ELLICE said, it was not his intention to refer to the question before the House, but he rose merely to express his hope and prayer to hon. Gentlemen on that side of the House, who represented so ably the interests of Ireland, that they would reflect a little on the nature of the course which they were now pursuing, and on the effect which it would have on the country, suffering as it was from one end to the other, in consequence of the little progress yet made in the business of the Session. In making this appeal, he was sure hon. Gentlemen whom he addressed would admit that it came from a warm friend to their country. For nearly thirty years that he had had the honour of a seat in that House, there never had been an instance of an Irish question being brought forward on which he had not consulted what was called the liberal policy in his vote; and in this respect he only acted with most of the English Gentlemen representing large English constituencies on that side of the House. It was only in the hope that the best endeavours of all should be united for the interest of Ireland, that he now appealed to hon. Members to bring this debate to a close as soon as it should be consistent with their own views of the question to do so. He offered no opinion on the merits of this question. He felt very strongly with his hon. Friend the Member for Drogheda (Sir William Somerville), who had lately addressed the House. He felt that there was very little of political or religious feeling mixed up in the present outrages in Ireland, but that they arose, on the contrary, out of the misery caused by the difficulties existing with respect to the possession of land, or arising

from the want of employment. It was with a view that they might arrive the sooner at the remedial measures necessary for the removal of these evils, and that they might also proceed with those measures for which both England, Scotland, and Ireland were waiting with anxiety, that he now appealed to his hon. Friends to bring this discussion as soon as possible to a close. Under those circumstances it was impoosible that he could vote with the hon. Gentleman in favour of an adjournment at that hour of the night.

MR. DILLON BROWNE said, that all other matters were of secondary importance to Irish Members in comparison with the duty they owed to Ireland. They were anxious to support the Corn Bill; but they could not, consistently with their duty to their country, support the Coercion Bill. They had made hundreds of statements founded upon facts showing the impolicy of the measure, which the right hon. Baronet and his friends had not condescended to answer, and which the people of Ireland would see had not been answered. The right hon. Baronet said the Irish Members ought to be under an obligation to him for shortening the usual period of the recess, in order to pass the Coercion Bill. [Sir R. PEEL: I never said anything of the kind.] He understood that some statement of the kind had been made; and Irish Members would be grateful for it, if they were thereby placed under an obligation. He was as much opposed to an adjournment at that hour as any hon. Member; but if the right hon. Baronet had not thrown upon Irish Members the onus of resorting to this means for gaining further time for consideration, the Motion would not have been made. In short, he did not know what other conclusion to come to than this—that the Irish Members had been treated with contempt.

The House divided on the Question, that the debate be now adjourned:—Ayes, 20; Noes, 77: Majority, 57.

List of the AYES.

Aglionby, H. A.	Napier, Sir C.
Armstrong, Sir A.	O'Brien, J.
Bridgeman, H.	Powell, C.
Browne, R. D.	Ricardo, J. L.
Christie, W. D.	Roche, E. B.
Collett, J.	Somerville, Sir W. M.
Dundas, D.	Watson, W. H.
Fitzgerald, R. A.	Wyse, T.
Grattan, H.	
Kelly, J.	TELLERS.
Macnamara, Major	O'Brien, W. S.
M'Carthy, A.	O'Connell, J.

List of the NOES.

Acland, T. D.	James, Sir W. C.
Antrobus, E.	Jermyn, Earl
Attwood, J.	Jocelyn, Visc.
Austen, Col.	Johnstone, Sir J.
Baillie, H. J.	Jones, Capt.
Baring, rt. hon. W. B.	Kelly, Sir F.
Bentinck, Lord G.	Lindsay, hon. Capt.
Bowles, Adml.	Lyall, G.
Broadwood, H.	M'Neill, D.
Bruce, Lord E.	Mahon, Visct.
Cardwell, E.	Masterman, J.
Chichester, Lord. J. L.	Meynell, Capt.
Clerk, rt. hon. Sir. G.	Moffatt, G.
Cockburn, rt. hon. Sir G.	Neville, R.
Coote, Sir C. H.	Newry, Visct.
Corry, rt. hon. H.	Ogle, S. C. H.
Douglas, Sir H.	Peel, rt. hon. Sir R.
Douglas, Sir C. E.	Peel, J.
Ellice, rt. hon. E.	Sanderson, R.
Entwisle, W.	Seymour, Sir H. B.
Escott, B.	Shelburne, Earl of
Fitzroy, hon. H.	Smythe, hon. G.
Flower, Sir J.	Somerset, Lord G.
Frewen, C. H.	Somerton, Visct.
Gladstone, Capt.	Stewart, J.
Godson, R.	Stuart, H.
Gordon, hon. Capt.	Thesiger, Sir F.
Gore, M.	Tollemache, hon. F. J.
Goulburn, rt. hon. H.	Trench, Sir F. W.
Graham, rt. hon. Sir J.	Trotter, J.
Greene, T.	Walpole, S. H.
Hale, R. B.	Warburton, H.
Hamilton, Lord C.	Ward, H. G.
Harcourt, G. G.	Wellesley, Lord C.
Hayes, Sir E.	Worcester, Marq. of
Herbert, rt. hon. S.	Wortley, hon. J. S.
Hervey, Lord A.	Yorke, H. R.
Hildyard, T. B. T.	TELLERS.
Hogg, J. W.	Young, J.
Howard, Sir R.	Cripps, T.

Original Question again put.

MR. E. B. ROCHE moved that the House do now adjourn.

MR. C. POWELL seconded the Motion, and said the right hon. Baronet relied upon his majority to put down the Irish Members.

The CHANCELLOR OF THE EXCHEQUER denied that the Irish Members had been treated with the slightest disrepect either by the House or by Her Majesty's Government. Although he had himself forborne from addressing the House upon this particular subject, he had given the most attentive consideration during the whole course of the debate to all the hon. Members who had spoken. He understood there was a desire on the part of hon. Members from Ireland to record their opinions as fully as possible on this measure, and it was as much from that circumstance as any other that he had not spoken. At all events, nothing was farther from his intention, and from the desire of the Go-

vernment, than to show disrespect to Irish Members.

Mr. FITZGERALD said, that the right hon. Baronet had certainly declared he had shortened the recess in order to proceed with the Coercion Bill; and he (Mr. Fitzgerald) felt under no obligation to him for that. As to disrespect, he had sat in the House since the commencement of the debate to-night, and he had seen hon. Members from Ireland address the House when there was not more than half-a-dozen Gentleman upon the benches opposite. This neglect was another argument in favour of the Irish people having their own Parliament; and he congratulated the hon. Member for Athlone (Mr. J. Collett) upon the manly declaration he had made in favour of Repeal.

Sir R. PEEL hoped the hon. Gentleman who had just sat down would not be angry if he did not reply to his speech. The general custom of that House was to be content with giving respectful and patient attention to any hon. Member who chose to address the House on the subject under discussion; but it was something new to impose upon hon. Gentlemen the duty of making speeches. At the same time he must say, that if he had had any reason to believe that it was intended to terminate this debate to-night, he should, in the position he occupied, have felt it due to the importance of the subject, and to the country more immediately interested, not to allow the discussion to close without expressing his sentiments on the question. If there had been the least probability of a division on the first reading of the Bill to-night, he should have considered it disrespectful to allow the debate to close without addressing the House. He, therefore, did protest most strongly against the imputation that the Irish Members had been treated with disrespect by Her Majesty's Government. The hon. Gentleman opposite had moved the adjournment of the House—a Motion which, if agreed to, would interfere with public business, by retarding the progress of the measures upon the Paper. If that hon. Gentleman was aware of the duties which, during the Session, devolved upon the Ministers of the Crown, he would know how impossible it was for them to contend with him, who had just arrived fresh from Ireland, on those Motions of adjournment. He (Sir R. Peel) had no doubt that hon. Gentlemen would consent, without taking the sense of the House on this Motion, to an arrangement for the adjournment of the debate until Monday. He must again say that there was no disposition whatever on the part of the Ministers of the Crown to treat this subject otherwise than with the respect to which it was entitled; but he hoped hon. Members opposite would not impose upon Gentlemen unconnected with the Government the duty of making long speeches.

Mr. D. BROWNE felt much gratified at the remarks which had fallen from the right hon. Baronet. If he (Mr. D. Browne) had entertained an impression that hon. Gentlemen representing Irish interests had been disrespectfully treated by the Ministers of the Crown, that impression was now completely removed. He had thought, however, that it was intended to pass this Bill—to force it upon the people of Ireland—by the *brutum fulmen* of a majority, without any reply being given to the arguments urged against the measure.

Mr. J. O'CONNELL said, after the disclaimer of the right hon. Baronet, he begged to withdraw the imputation he had thrown upon the Government generally.

Mr. E. ROCHE also withdrew the observations he had made, under the impression that the Government were treating the Irish Members disrespectfully; and said that after the observations of the right hon. Baronet (Sir R. Peel) he would not press the Motion for adjournment.

Debate adjourned to Monday.

House adjourned.

HOUSE OF LORDS,

Tuesday, April 21, 1846.

Minutes.] Petitions Presented. From Deacon, Convener, Collector, and other Members of the Trades House of Glasgow, against the Burghs (Scotland) Bill.—From Bellasize, and several other places, against Alteration of the Corn Laws.—From Trustees of two Charitable Institutions, and from Dissenters of East Dereham, against the Charitable Trusts Bill.—From Churchwardens and Overseers of the Poor of Swinden, for Inquiry into the Law of Settlement, and also concerning the Removal of the Poor and the Manner in which the Interests of the Ratepayers and the Welfare of the Poor are affected.—From the Lord Provost, Magistrates, and Council of Edinburgh, for the Adoption of a Measure for the Employment and Reformation of Discharged Prisoners.—From Moriah Llansantffraid, and several other places, for the Better Observance of, and for the Prevention of the Sale of Intoxicating Liquors on, the Sabbath.—From Physicians and Surgeons connected with the Medical Institutions of County Donegal, for the Better Regulation and more Efficient Support of Medical Charities (Ireland).

RAILWAY LEGISLATION.

The Earl of DALHOUSIE said, he had to move that all proceedings on Railway Bills now pending in their Lordships' House, be postponed until Monday next,

the 27th of April. He believed their Lordships were already aware that it was the intention of Her Majesty's Government to bring in a Bill for the purpose of facilitating the abandonment of railway schemes now before Parliament; and he wished to take this opportunity of giving notice that he would, on Thursday next, submit that Bill to the consideration of their Lordships' House; and that, at the same time, he would draw their Lordships' attention to a new Sessional Order which he intended moving, and which would be applieable to all the Railway Bills that would be now postponed.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, April 21, 1846.

MINUTES.] NEW MEMBERS SWORN. For Malton, Viscount Milton; for Richmond, Henry Rich, Esq.

PUBLIC BILLS.—*Reported.* Commons Inclosure.

PETITIONS PRESENTED. By Mr. Brotherton, Sir William Clay, Mr. Fuller, Sir John Hanmer, Mr. Stansfield, and Mr. Strutt, from an immense number of places, for Better Observance of the Lord's Day.—By Mr. Watson, from certain Roman Catholics in the County of Durham, for Alteration of Law respecting Roman Catholic Chapels.—By Mr. Bankes, Lord John Manners, and Lord Alfred Paget, from a great number of places, in favour of Roman Catholic Relief Bill.—By Sir Robert Harry Inglis, from Minister, Churchwardens, and Inhabitants of the Parish of Donington, and by Mr. Sotheron, from Rural Dean and Clergy of the Deanery of Wyly and Diocese of Sarum, against Union of St. Asaph and Bangor Dioceses.—By Mr. Duncan, from Provost, Magistrates, and Town Council of the Royal Burgh of Dundee, and from Chairman, Deputy Chairman, Directors, and Members of the Chamber of Commerce of Dundee, and by Sir John Hanmer, from President, and Directors of the Chamber of Commerce at Hull, in favour of the proposed Government Measure respecting Customs and Corn Importation.—By Mr. Williams, from Inhabitants of Dumfries, complaining of the Amount of Land Tax.—By Mr. Brocklehurst, from Trustees of the Macclesfield District of the Sandon Road, for Repeal of Duty on Post Horses.—By Mr. Allix, Mr. Brownrigg, Mr. Fuller, and Mr. John Tollemache, from several places, for Rating Owners in lieu of Occupiers of Tenements.—By Mr. Gibson Craig, from Lord Provost, Magistrates, and Council of the City of Edinburgh, and by Mr. Morris, from Mayor, Aldermen, and Councillors of the County of the Borough of Carmarthen, respecting the Employment and Reformation of Discharged Prisoners.—By Mr. Thomas Duncombe, from James Morris, of Manley House, Kennington Common, Lambeth, respecting Promotion of Soldiers in the East India Company's Army.—By Mr. Brotherton, from Retail Beersellers of Salford and its Vicinity, for Alteration of Law respecting Exciseable Liquors.—By Lord John Manners, from Slubbers, in the Parish of Huddersfield, for Limiting the Hours of Labour of Children and Young Persons employed in Factories to Ten.—By Mr. Grogan, from Guardians of the Poor of the North Dublin Union, for Alteration of Law respecting Grand Jury Presentments (Ireland).—By Mr. Mackinnon, from Working Men and others, resident in the Metropolis, for Sanatory Regulations.—By Sir John Hobhouse, from Manufacturers of Lace or Owners of Bobbin Net or Warp Lace Machinery, in the Town of Nottingham and its Neighbourhood, against the Lace Factories Bill.—By several hon. Members, from various places, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Acts.—By Dr. Bowring, from Inhabitants of Bolton, against Enrolment of Militia.—By Dr. Bowring, from Goldsworthy Gurney, respecting Ventilation of the New Houses of Parliament.—By Captain Layard, from Out-Pensioners of Her Majesty's Royal Hospital at Chelsea, from Regiments of the Line, complaining of Deductions from their Half Pay.—By Mr. Pole Carew, Sir William Clay, and Mr. Fuller, from several Persons, for a Superannuation Fund for Poor Law Officers.—By Mr. Grogan, from Guardians of the Poor of the North Dublin Union, against the Poor Removal Bill.—By Mr. Mark Philips, from Directors of the Chamber of Commerce and Manufactures at Manchester, for discouraging Speculation in Railways.—By Colonel Rawdon, from Sharebrokers of the City of Dublin, for Alteration of Law respecting Stock Brokers (Ireland).—By Sir Thomas Wilde, from Merchants, Carriers, Dealers, Farmers, Tradesmen, and other Inabitants of the County and City of Worcester, complaining of Amount of Turnpike Tolls.

MINT PROSECUTIONS.

MR. H. BERKELEY wished to ask a question of the right hon. Baronet the Master of the Mint. It appeared from a statement in *The Times* of the 14th of April that two cases of uttering base coin were disposed of by Mr. Powell, the Solicitor to the Mint, intimating to the Court, that by a recent regulation the Mint declined to undertake or aid prosecutions against individuals charged with passing bad money to women of infamous character. Now, such a resolution appeared to him to involve a very serious consideration and a very important principle; and he therefore wished to ask the right hon. Baronet whether the determination of the Mint to put the law in abeyance, and exclude that unfortunate class of women from all protection against the utterers of base coin, was acceded to by, and had the approbation of Her Majesty's Government; and, if that were so, then whether the same principle of non-protection was to be carried out in other offences against the same unfortunate persons?

SIR G. CLERK said, that having observed in *The Times* newspaper the statement referred to by the hon. Gentleman, he had thought it his duty to lose no time in inquiring whether the statement was correct or otherwise, and whether there did exist at the Mint any form or regulation of the nature referred to. He was informed in answer to that inquiry that no such regulation ever did, or did at that moment exist. The report must have been founded on some mistake. He might add, that the paragraph in question having attracted the attention of his hon. and learned Friend the Attorney General, his hon. and learned Friend had felt it his duty to make inquiry into it, and the result was the conviction that the report was a mistake.

When cases were brought before the magistrate, the Solicitor to the Mint, in the exercise of his discretion, stated whether or not he thought there was sufficient evidence to justify him in bringing a prosecution against the parties, and as in these cases he thought there was not sufficient evidence, the magistrate at once discharged the parties accused.

NEW COLLEGES (IRELAND).

Mr. E. B. ROCHE wished to ask a question of the right hon. Baronet the Secretary for the Home Department. About twelve months ago the Irish Colleges Bill passed that House, and Cork had been fixed upon as one of the places where those colleges should be located; but, up to that moment, there was no appearance of such intention being carried out, either with regard to Cork or, he believed, any other part of Ireland. He wished, therefore, to ask the right hon. Baronet whether the Government really intended to carry out the law; and, if so, why was it that ordinary despatch had not been used—for, if it had, numbers of persons at present unemployed, and amounting in number, in Cork alone he believed, to 37,000, would have found employment; or, whether they (the Government) had come round to the opinion of his hon. Friend the Member for Kilkenny, and believed these colleges were to be infidel institutions?

Sir. J. GRAHAM said, he had no difficulty in stating that, so far from there being any neglect on the part of the Government to proceed with the colleges, charters of incorporation constituting those colleges had been granted; the presidents and vice-presidents had been appointed; at Belfast the site had been chosen, and he believed it had also been chosen at Galway; and within the last two or three days, the presidents and vice-presidents having been appointed, they had submitted to the Government the by-laws and the curriculum of education which they recommend for adoption.

GUILDS OF DUBLIN.

In answer to a question from Mr. O'CONNELL,

Sir J. GRAHAM said, that as it appeared by a decision of the Court of Queen's Bench in Dublin, that the exclusive rights of the various guilds in Dublin were not, as had been supposed, abolished by the Irish Municipal Corporations Bill, and as a Bill had been introduced into Parliament and was then gone up to the other House for the abolition of such exclusive rights in Scotland, he did propose, in the course of two or three days, to bring in a Bill having the same object, with respect to Dublin.

TIMBER DUTIES—RETURNS.

Lord G. BENTINCK: I rise, Sir, in accordance with the notice which I have given, to ask the right hon. Gentleman at the head of the Government for an explanation of the false return which has been made to the Order of this House. That return is one moved for by me of the prices of Memel and Canada timber. I made the Motion for this return in the last week of January, or quite in the beginning of February. This false return, when it was produced was dated from the "Landing Surveyor's Office, 13th Feb.;" but it was not presented to this House until the 1st of April. My object in moving for it was to throw light upon the debate upon the timber duties, which was then coming on. Now this return, when it was produced, gave the following as the prices of Memel timber. It was in different years:—

1840	. .	from	£8	0	0	to	£8	5	0
1841	. .	„	7	15	0	to	8	0	0
1842	. .	„	7	15	0	to	8	0	0

per load duty paid. The duty was then 55*s.* So the average of three years, according to the return was 8*l.* 1*s.* 8*d.* In 1842 the right hon. Gentleman at the head of the Government introduced a change in the duties of the timber trade. He reduced the duty by 25*s.* in 1842; and he made a further reduction of 5*s.* in 1843. The return goes on to state that the prices varied in

1844	. .	from	£5	5	0	to	£5	10	0
1845	. .	„	5	5	0	to	5	10	0
1846	. .	„	5	12	0	to	5	17	6

making the average for the last three years 5*l.* 12*s.* 6*d.* This result was intended to show the House and the country that the consumer gained by the reduction of the duty by 30*s.*, not only the whole amount of the duty, but had actually gained 19*s.* 2*d.* in addition; that the consumer had actually gained 49*s.* 2*d.* per load. Now, I believe the fact to be, that so far from that being true, if the return had been accurate it would have been found that the prices in 1840 to 1842 were as follows. I believe they were in—

1840	. . .	about	£5	10	0
1841	. . .	„	5	5	0
1842	. . .	„	5	5	0

averaging about 5*l.* 6*s.* 3*d.*, with a duty of 55*s.* per load paid; whilst in the last three years, when the duty was reduced from 55*s.* to 25*s.*, if the return had been accurate, it would have been found that the prices were in—

1844	.	.	.	about	£4	5 0
1845	.			„	4	5 0
1846	.	.	.	„	4	12 6

making an average, during the three years, of about 4*l.* 7*s.* 6*d.* So that the consumer for the three years, since the reduction, compared with the three years prior to the reduction, instead of gaining 49*s.* 2*d.*, has gained but 19*s.* 2*d.*, putting 10*s.* 10*d.* into the pockets of the Baltic grower; and, as compared with 1842, not putting 42*s.* 6*d.* into the pockets of the English consumer, but putting into his pockets 12*s.* 6*d.* out of the 30*s.* reduced duty. I think it an important matter that the House should be able to rely upon the truth and honesty of these statistics laid before it by the Board of Trade, upon which our legislation depends. This is a serious question for the House, and for the country; and it was my first intention to have moved that the subordinate officers should be summoned to the bar, and called upon to explain the instructions they received, and the cause of the error, or of the fraud that had been imposed upon the House. It may be well for Gentlemen connected with commercial constituencies to see these false returns, and, knowing them to be false, to treat the matter with indifference; and it is the duty of all the Members of this House to know the nature and extent of the commerce of the ports and boroughs we represent. But this paper circulates not only through this House, but through the country, and the people are deceived by such mis-statements as these. We have seen leading articles, written by learned editors of newspapers, proving, by these figures, the great advantage of reduced duties. So I thought it no more than my duty to call upon the right hon. Gentleman to explain to the House how it came that this false return has been laid upon the Table—this return, which, so far as I can make out, consists merely of the multiplication of the duty paid. It seems merely to add 55*s.* a load to the price, as regards the first three years, and 25*s.* a load to the price as regards the last three. And you must remember that this return laid for seven weeks, according to its own date, upon the table of the Board of Trade. The return was made to the Board of Trade upon the 13th of February, and it was laid upon the Table of this House on the 1st of April—as if that were the most appropriate day for the presentation of this return.

Sir R. PEEL: I do not think I should be justified in entering into any argument on the subject of the timber duties; but I will confine myself to the facts of the case with reference to the error in the return. My attention was called to it yesterday, when I was told that an error existed in the return. Although this return was presented by Her Majesty's Ministers to the House, yet, from the number of similar documents which they present it would be impossible for them to be responsible for the accuracy of these returns. That responsibility rests with the department by whom the return is made. No doubt it is of great importance that returns made to this House should be accurate; and, on understanding that an error existed, I made immediate inquiries. I directed that if it were found an error had been made, another document should be prepared and laid upon the Table of the House as soon as possible. There is an error in the return adverted to by the noble Lord. I desired that it should be corrected, and an accurate return made: and I believe that accurate return will be laid upon the Table to-morrow. The mistake originated with the Board of Customs, and I desired to know how it had occurred. I hold in my hand the letter of the officer by whom the return was certified; and perhaps the best course I can take is to read it:—

"April 21.

"Sir—In answer to your requisition, calling on me to state in what department the error in the return of the values on Memel and Canadian timber arose, I have to regret to state that it was in the landing surveyor's department. The nature of the mistake is, that the prices were necessarily taken from the *Prices Current*, which are not official Customs' documents, but a mercantile list, in which some of the values quoted include the duties, whilst others do not. The heading of the space containing the values, viz., 'value in bond,' led to the error; it applied only to the upper half of the column, not to that part in which these prices were entered; and this distinction was not observed. I have to express my regret at this error; and to remain, Sir, your most obedient servant, "M. Sturt.

"E. Cardwell, Esq."

There has been an error, and I think I have shown the House that I have taken every means to be accurate, and that the officer alone is responsible for the error which has occurred.

TENANT RIGHTS IN IRELAND.

Mr. P. SCROPE wished to put a question respecting the locality of tenant rights in Ireland. In a recent speech of his, in stating the grounds of agrarian outrage in that country, he said that, in the great majority of cases, Irish tenants were not protected by law in the enjoyment of their tenant rights. He understood the right hon. Baronet (Sir J. Graham) at the time to state that he had a contrary impression upon this subject; and that the tenant right in Ireland was on the footing of a common law right. It was a point highly necessary to be cleared up, whether the right of the outgoing tenant to the goodwill was a right that he could enforce at common law? This tenant right was recognised in the north of Ireland, particularly in the province of Ulster, not only in a case of tenancy under a lease, but also in cases of tenancy at will. He begged to ask Her Majesty's Government whether, in case of the refusal of a landlord in Ireland, and particularly in Ulster, to permit the sale of tenant right and goodwill by a tenant relinquishing the occupancy of a farm, or the refusal of a landlord who reassumed such occupancy to give compensation for tenant right or goodwill to the outgoing tenant—preceding tenants, from time immemorial, having sold or received compensation for such tenant right or goodwill—the civil and military power would be employed to enforce ejectment under such circumstances?

Sir J. GRAHAM said, the question put by the hon. Member was not one of policy, but one of fact and law. He believed the hon. Member was correct in saying that a tenant right existed in certain parts of Ireland, particularly in the province of Ulster. It was a right not resting on the written law, but having the force of law. But if he were asked whether it was recognised by the courts of law, he should have no hesitation in stating that he believed it was not. The process of ejectment was twofold; either by writ of injunction from the Court of Chancery, or by *habere* in a court of common law. When these were issued to the sheriff, he had no business to exercise any judgment with respect to the validity of those precepts. His duty was to execute them in due course of law by either civil or military aid, as might be necessary; and all persons were bound to aid and assist him in the execution of his duty. Whether the process of ejectment was by writ of injunction or by *habere*, it was the duty of the sheriff to execute it, and he had no discretion in the matter.

DISMISSAL OF MR. DAY.

Mr. CHRISTIE rose to bring before the House the case of a second Assistant Poor Law Commissioner who, within a short period, had been deprived of his appointment without any reason being assigned for such a measure, and under circumstances of injustice which required explanation. He, of course, expected to be met by the right hon. Baronet opposite (Sir J. Graham) with the objection formerly urged on a similar occasion, that the Poor Law Commissioners were empowered to remove the Assistant Commissioners at their discretion. He had all along been aware that the Poor Law Commissioners possessed this power; but the Act of Parliament under which they were appointed provided certain securities for the just and proper exercise of that power; and he must now call upon the House to consider whether, in the case he was about to submit to them, the securities so provided by the Poor Law Amendment Act had not been trampled upon and disregarded? The Poor Law Commissioners were empowered to act only as a board; for the formation of a constitutional board the attendance of at least two Commissioners was required; and, further, the board was not complete without the presence of the secretary, its recording officer. The Poor Law Amendment Act also specially required that a faithful minute should be kept of every proceeding of the Commissioners; and it was provided that, for further security, these minutes should be submitted at least once a year to the Secretary of State for the Home Department. The fourth section of that Act ran thus:—

"The said Commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every letter received, whence, its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said Commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the board of Commissioners, in case they should finally differ in opinion upon any order to be given or other proceeding of the board; and such record shall be submitted to one of Her Majesty's Principal Secretaries once in every year, or as often as he shall require the same."

He (Mr. Christie) was about to ask for the production of all minutes and correspondence relative to Mr. Day's resignation, and the appointment of Colonel Wade as

his successor. Mr. Day had applied for those minutes, both to the Poor Law Commissioners and to the right hon. Baronet (Sir J. Graham); but he had not succeeded in obtaining them. It was true that reasons had been assigned, both by the Commissioners and the right hon. Baronet, for requiring Mr. Day to resign his appointment; but before he sat down he would show that those alleged reasons were most inconsistent. Those reasons being utterly unsatisfactory to Mr. Day, he had applied to the Commissioners for the minute on which the call for his resignation was based; but the only reply he could get from the Commissioners was an evasion of his request; while from the right hon. Home Secretary he merely obtained an acknowledgment of the receipt of his letter. At the time when Mr. Day was requested to send in his resignation, he had been an Assistant Poor Law Commissioner for eight years. Long before the passing of the Poor Law Amendment Act, Mr. Day had paid special attention to the working of the Poor Law; he had been for some years in the commission of the peace for Sussex; and as a magistrate for that county he had watched with particular interest the operation of the laws relating to the relief of the poor. When the preliminary Commission of Inquiry into the Poor Law was appointed, Mr. Day gave that Commission the benefit of his experience, and furnished them with a report, the value of which they acknowledged, and which was printed in the appendix to their report. After the passing of the Poor Law Amendment Act, and the constitution of the Commission at Somerset House, Mr. Day, who on the formation of the Uckfield union, in which he resided, had been appointed vice-chairman of the board of guardians, continued to give the Commissioners the advantage of his assistance. He made frequent communications to them; and the value of his assistance was proved by the fact that when, towards the close of 1835, it was determined to appoint six additional Assistant Poor Law Commissioners, Mr. Day, without any solicitation on his part, was asked by Mr. Lefevre, then a Poor Law Commissioner, whether he would accept one of the appointments thus placed at their disposal? He believed that, at that time, the applications for Assistant Poor Law Commissionerships were excessively numerous, and that from a large number of candidates for the appointments—some of them persons of ability and distinction—Mr. Day was the first person selected as an additional Assistant Commissioner. After some consideration Mr. Day accepted the appointment, and for a period of eight years he continued zealously and faithfully to discharge the arduous duties of his office; his conduct elicited frequent expressions of approbation from his superiors. During the whole period he asked for leave of absence for only eight weeks, and he never received the slightest hint that his conduct was viewed with disapprobation by the Commissioners, or even a suggestion as to the discharge of his duty. Indeed, the only instance of any fault being found with Mr. Day during that period was towards the close of his connexion with the Commission, when he received a communication requesting him to write in a larger character. In August, 1843, Mr. Day, while attending a board of guardians in Wales, in the neighbourhood of Lord Cawdor's seat, met with an accident by which his leg was broken. He was in consequence laid up for a period of five weeks; but before the end of September he resumed the performance of his duties, and had almost forgotten the accident, when, on the 13th of January, 1844—five months after the occurrence—he was reminded of it by the following communication from the Poor Law Commissioners:—

"Poor Law Office, Jan. 12, 1844.

"My dear Sir—The present state of Wales and the adjoining counties has obliged the Commissioners most anxiously to consider the arrangements now existing in that district, with reference to the administration of the Poor Law; and we have been unable to avoid coming to the conclusion that the utmost activity on the part of the Assistant Commissioner in giving his attendance at the meetings of the boards of guardians, and in personally inspecting the several workhouses frequently, is indispensable to the proper management of the district. Acting upon this conviction, when you unfortunately met with the accident on the 19th of August, the Commissioners immediately requested Mr. Weale to proceed to Wales, where he remained seven weeks, his own district being left during that period without superintendence, although standing greatly in need of it. We are precluded by the Act of the Session before last from appointing any supernumerary, or additional Assistant Commissioners; and we have no means at our disposal for supplying the want of that active superintendence which is at all times necessary, but is more particularly and urgently so at the present moment in Wales. We regret exceedingly to learn that your bodily health is not such as to enable you to make the requisite exertions, and we can see no escape from the embarrassments in which we are placed, but by frankly stating what we think the public service requires, and to suggest your resignation, as affording the only means for enabling the Commissioners to supply the present deficiency, and to provide for

the active superintendence of the district in its present very critical state, A communication of this nature cannot be otherwise than painful to my Colleagues and myself. We can only assure you that it is founded entirely on a sense of public duty, and in this light we trust that you will receive it.—I remain, dear Sir, very faithfully yours,

"George Nicholls."

Allusion was made in this communication to the circumstance of Mr. Weale's having been sent into Wales, and to the inconvenience which had been thereby occasioned. But it appeared from a return which had been presented to the House, on the Motion of the hon. and gallant Member for Lincoln (Colonel Sibthorp), that during the time Mr. Day was prevented from attending to his duties, two of the Assistant Commissioners were absent from duty on leave. Mr. Day did not resume his duties till the 25th of September; and it appeared from the return to which he referred that Mr. Clements had leave to the 23rd of September, and Sir John Walsham till the 25th of the same month. If, therefore, any inconvenience had resulted from Mr. Day's inability to discharge his duties, it might have been obviated by the recall of one of those gentlemen. The Commissioners intimated, in the letter he had just read, that they considered Mr. Day incapable of the exertion requisite for the efficient performance of his duty; but they had addressed no inquiry whatever to Mr. Day as to the state of his health. Indeed, Mr. Day had every reason to believe that the Commissioners were satisfied he was recovering from his accident, for on the 18th of November, 1843, he received a letter from Mr. Lewis, containing the following passages:—

"I am glad that you are able to resume your work without difficulty, though I fear that you will feel the effects of your accident for some time to come. I am much obliged to you for your inquiries about my health. I think I have certainly received considerable benefit from six weeks of Leamington waters and Dr. Jephson."

It appeared from this note that, during part of the time Mr. Day was laid up, Mr. Lewis had himself been suffering from indisposition, and had on that account been absent from his duty. To Mr. Nicholls's letter Mr. Day sent the following reply:—

"Bangor, Jan. 14, 1844.

"My dear Sir—In consequence of there being two days' letters waiting for me here, I have only just received your communication of the day before yesterday. It has both surprised and pained me. It has been communicated at a time when, for all practical purposes, I have nearly recovered, my only ailment being the remaining weakness in my leg, which still obliges me to use crutches; but as far as my 'bodily health' and the power of travelling is concerned, I am as well as ever. I may add, that had I acted upon the recommendation which was urged upon me, to ask leave of absence during the last quarter, for the purpose of effectually attending to the cure of my leg, I believe I long since should have been perfectly efficient; but I felt that under the circumstances I ought not to leave my district, and consequently abstained from doing so. Your own orders confined me to South Wales, as long as the disturbances lasted, which prevented my visiting a large portion of my district; and the appointment of a Commission of Inquiry appeared to me to render it desirable that I should remain in the neighbourhood of their sittings, in order to explain any points which might appear equivocal or unsatisfactory. Those circumstances will account for the limited sphere of my movements of late, much more than my accident; and in point of fact I have pursued this course, without any intimation to the contrary from yourselves, deeming it to be to the interest of the Commission, and to my own personal loss, as my horses have been, to a considerable extent, an uncompensated expense. Putting aside the five weeks when I was confined at Lord Cawdor's, I will merely add that from some time in June till after Christmas I have been (I believe, for I have not my diaries with me) only fourteen days in my own house. If, then, the question depend upon the power of locomotion, I trust that the Commissioners will reconsider their determination. If it proceed upon the conviction of my own unfitness for the situation in other respects, I have, of course, only to acquiesce."

Mr. Day then proceeded to detail the services he had rendered to the Poor Law Commissioners; but with that part of the letter he would not trouble the House. Mr. Day wrote again and again to the Commissioners, requesting to be informed of the real reason of his dismissal; but he was unable to obtain any answer beyond general expressions that they were actuated by a strong sense of public duty, and that the course they had taken was rendered necessary by the exigencies of the public service, mingled with lavish professions of great personal respect for himself, and disclaimers of any dissatisfaction with his conduct. Mr. Day felt that the decision of the Commissioners could not rest entirely upon the reason they assigned—that the state of his health disqualified him for the discharge of his duties; and he concluded that some imputation of blame attached to him, with regard to which they would give him no information. The period selected for Mr. Day's dismissal was at the close of the Commission of Inquiry appointed to investigate the disturbances in South Wales. That Commission received a great deal of evidence; but their proceedings were conducted with closed doors, and Mr. Day had no means of knowing whether any of the evidence adduced

before them referred to his conduct or character. After applying to the Poor Law Commissioners again and again, begging them to acquaint him with their reasons for his dismissal, Mr. Day wrote to them, stating that he could only attribute their conduct to representations made to the Commissioners of Inquiry in Wales, and communicated by them to the right hon. Home Secretary, or the Poor Law Commissioners. In order to show the painful injustice of this treatment of an old, efficient, and long-tried public officer, he (Mr. Christie) would read to the House a letter addressed to Mr. Lewis by Mr. Day almost immediately on receiving intimation that his resignation was required. This was a private letter, to which Mr. Day never received any answer :—

"Bangor, Jan. 14, 1844.

"My dear Sir—Mr. Nicholls's letter has surprised me so much that I am entirely at a loss what course to take. To ask of you to divulge the private reasons which may have operated against me, I feel would scarcely be consistent with our relative situations; but at the same time, to require a resignation, because one has been incapacitated, without inquiry whether the incapacity is likely to remain, is so contrary to the usual course, that I confess I can hardly bring myself to believe that my accident is the real cause of this proceeding. If there be anything else, and you think you can consistently inform me of it, I need hardly say the obligation I shall feel. I should like at least to know my weak point, and to undeceive myself, painful though it may be. I cannot, however, but confess that having altered all my previous arrangements with reference to the commission, the unexpected deprivation of this appointment cannot but operate very severely upon me. It is only within this week past that I have placed one of my sons with a solicitor, the principal object of which will be defeated if I remove back to Sussex.—I remain, &c. "William Day."

"As Mr. Nicholls has put the question upon the state of my 'bodily health,' I think, in justice to myself, I may say, that on a recent occasion I entered the board room at 10 o'clock A.M., and did not leave it till 7 P.M.; and that this week just ended I went over to a board of guardians twenty-six miles, arrived there at their time of commencing business, stayed the whole of the business, and returned in the evening."

Mr. Day also wrote to Mr. Frankland Lewis, chairman of the South Wales Commission, asking if he could throw any light on the conduct of the Commissioners; and the following was an extract from Mr. Lewis's reply :—

"My dear Sir—I have been much pained at reading your letter, as it exhibits an uneasy state of mind which I am sincerely sorry that anything should make you suffer. I can truly assure you that your name has never been mentioned in the presence of Sir James Graham in my hearing; that I heard with surprise of your removal, which whatever may be the cause of it, or whatever may be the arrangements which have led to it, has in no degree originated with, or been in the slightest degree influenced by anything said or done by me. . . . . You have always my good opinion and wishes."

In another letter, dated the 27th of January, Mr. F. Lewis said—

"I have never heard your removal alluded to, nor had I the slightest reason to imagine it had been contemplated until I was told it was done. When so told I made no comment. The only thing that occurred to me was, that you had had a long dose of it; longer, I imagined, than you could have looked to when we asked for your assistance."

These letters negatived the possibility of Mr. Day's removal having taken place in consequence of any representations of the Commissioners of Inquiry in South Wales. Being unable to obtain any satisfactory explanation from the Commissioners, Mr. Day wrote to the right hon. Home Secretary (Sir J. Graham), enclosing copies of the letters he had addressed to the Poor Law Commissioners; and the following was the reply he received from the right hon. Gentleman :—

"Whitehall, 25th January, 1844.

"Sir—I have the honour to acknowledge the receipt of your letter of the 23rd inst. I have to regret that you should be placed in the circumstances which you describe; but I beg to inform you that the Poor Law Commissioners alone exercise the power of appointing, or ceasing to employ, their assistants. I do not interfere. A reduction of their establishment has been rendered imperative : I have conferred with them on the subject; they have selected you in the exercise of their own discretion, and I am not disposed to think it unsound. At the same time, I must remark that your ceasing to be an Assistant Poor Law Commissioner, in these circumstances, casts no stain on your character; it is in consequence of reduction; fault has not been imputed to you.—I have the honour to be, Sir, your most obedient servant,

"J. R. G. Graham."

Mr. Nicholls rested Mr. Day's dismissal on the ground of his accident, which was alleged to incapacitate him for active exertions; while the right hon. Baronet, in the letter he had just read, justified it by the imperative necessity which existed for reducing the number of Assistant Commissioners. Mr. Day shortly afterwards wrote to Mr. Nicholls, asking which of the other Assistant Commissioners would take his district, in consequence of the new arrangements which he expected to be made upon this reduction in the number of Assistant Commissioners; and what was his astonishment, when, on the 6th of February, within a fortnight after he heard from the right hon. Gentleman to the effect that he had

been called on to resign because of a reduction taking place in the number of Assistant Commissioners, he was informed by Mr. Nicholls that the establishment was not to be reduced at all, but that the Poor Law Commissioners intended to appoint a new Assistant Commissioner in his place. Mr. Nicholls wrote the following answer to Mr. Day :—

"My dear Sir—I hasten to reply to your letter of yesterday. Colonel Wade will succeed you in Wales; and I recommend you to write to him respecting your house. You may direct to him at the Adjutant General's Office, Dublin. With respect to the time, we expect that Colonel Wade will be able to enter upon his duties early in the ensuing quarter, and we, of course, should wish you to remain in charge of your district until then, if this should suit your convenience. . . . . I remain, my dear Sir, very truly yours,

"William Day, Esq." "George Nicholls.

Notwithstanding what was written by the Poor Law Commissioner, it certainly appeared, as Colonel Wade was appointed to succeed Mr. Day, that the prolongation of the services of the latter was required rather to suit Colonel Wade's convenience than Mr. Day's; and notwithstanding Mr. Day's state of health, and the critical circumstances of the district, Mr. Day was continued as Assistant Commissioner in the same district for nearly two months after the letter requesting him to resign was written. Mr. Day sent in his resignation on the 31st of March; on the 5th of April Colonel Napier was gazetted Deputy Adjutant General of Ireland vice Colonel Wade; and on the 18th of April Colonel Wade succeeded as Assistant Poor Law Commissioner; but from the 31st of March till the 18th of April, this district, in critical circumstances, was left without an Assistant Poor Law Commissioner. He had no intention to speak with the slightest disrespect of Colonel Wade, who was not responsible for these proceedings. He knew that Colonel Wade was a most distinguished and meritorious officer; but without any disrespect or imputation towards Colonel Wade, he thought he might say, that if one were to consider the comparative efficiency of the two, Mr. Day and Colonel Wade (against the former of whom no charge was made, but that he had the misfortune to break his leg, while the other was an old officer, a lieutenant-colonel at the battle of Waterloo), there would be no difficulty in concluding that Mr. Day's efficiency was the superior. The right hon. Gentleman having stated that no fault was imputed to Mr. Day, it would not be necessary for him (Mr. Christie) to enter into a vindication of that gentleman's character. If it were necessary, there were ample materials for doing so; but after what the right hon. Gentleman had stated, Mr. Day was not placed upon his defence; it was for the Poor Law Commissioners and the right hon. Gentleman to defend themselves. It was for them to reconcile the contradictory reasons assigned for Mr. Day's dismissal; and it was for the right hon. Gentleman to say how Mr. Day's dismissal on the alleged ground of a reduction being about to take place in the establishment, was consistent with the fact of a new Assistant Commissioner being fixed on to succeed him, and with the circumstance that from that time to this, no reduction in the number of Assistant Commissioners had taken place, but that shortly after, even a material increase had been made in the Poor Law Commission by the appointment of a fourth Chief Commissioner, Mr. Twisleton, who had been sent to Ireland. He would read an extract from another letter written by Mr. Day :—

"It will be unnecessary for me to detail the facts connected with my dismissal, for they are sufficiently explained in the correspondence which is annexed; but I may add, that, in addition to those communications, I addressed a private letter to one of the Commissioners asking for their reasons, but to which no answer was returned. I pass now to the consideration of the manner in which these gentlemen have carried their purposes into execution. In the language of Junius, 'they have treated me as if I had neither sense to feel nor spirit to resent.' They select for the period of my removal the close of the inquiries of the Commission for South Wales. They thereby cause the inevitable inference that my conduct there had not been proof against a searching and personal investigation. In the first instance, they allege my accident at Lord Cawdor's as their reason, without the common justice of inquiring as to my progress towards recovery; and when the fact of the resumption of my duties compels the abandonment of that ground, they fall back upon the vague generalities of public service and public duty. They tell me that I am unable to give that active superintendence which admits of no delay, and yet they request me to remain in charge of the district, if it suit my convenience, for nearly another quarter of a year. They rely upon the 'very critical state' of South Wales at that moment, as 'particularly and urgently' requiring the presence of an Assistant Commissioner; and yet, upon communicating with them as to my movements, they direct me to proceed to North Wales. Finally, when they have never known me in private life, even for a single hour, they insult me with professions of 'private' respect, that the antithesis of official contempt may be more strongly marked. But inefficiency is negatived by the very duration of my service; it is contradicted by the unsolicited and repeated renewal of my commission. Will, then, the public believe that I am dismissed with-

out a cause?—will they deem such conduct towards a public servant, if he have done his duty, possible?—or, will they not rather entertain the suspicion of some graver and heavier charge, which, in compassion, the Commissioners have suppressed? Now, my Lord Duke, if my place were wanted, it might have been taken from me in a more open, in a more generous manner. Not even the cold compliment for former services is vouchsafed; but a devotion of eight years is abruptly terminated, and I am discarded without even the forms of regret. They dared not to be just, for they would have, then, condemned themselves. It is for the Commissioners to assign their reasons, where 'fault is not imputed'—it is for Sir James Graham to reconcile 'reduction' with the appointment of a successor even before my place is vacant."

He had given notice of his intention to move for the production of correspondence on this matter, and also a reference of Mr. Day's case to the Committee on the Andover Union. He did not know whether the right hon. Gentleman (Sir J. Graham) would object to the latter part of the Motion, on the ground that there was no connexion between the two cases. He hoped that the right hon. Gentleman was not prepared with any elaborate arguments on this part of the question; because, though he (Mr. Christie) thought that there would be no impropriety in referring Mr. Day's case to the Committee on the Andover Union, yet it was to him comparatively indifferent whether the case was referred to that or to another tribunal. The circumstances attending the dismissals of Mr. Parker and Mr. Day were certainly very similar. In both cases there was every reason to believe that there was an absence of the minutes required by the Act of Parliament. If there had existed any minutes they would have heard of them in Mr. Parker's case before the present time; for that gentleman had applied to the Poor Law Commissioners, and to the right hon. Baronet opposite, repeatedly, and from neither party had he been able to obtain them. Both gentlemen had been dismissed under circumstances exposing them to injurious imputations, and in neither case had the Poor Law Commissioners had the justice or generosity to take any steps to relieve them from those unjust imputations. The circumstances of the two cases were very similar; but Mr. Day's dismissal was some time antecedent to Mr. Parker's. Up to this time there had been no public discussion about Mr. Day's case; and when Mr. Parker's case came to be considered at Somerset-house, what if it had been said there (though he did not know that it was said), "Mr. Day's case did us no harm; so we may treat Mr. Parker with like injustice." It was comparatively indifferent to him whether Mr. Day's case was referred to the Committee on the Andover Union or not; for it was his belief that with these two cases before the public, and with the other facts which were in the possession of the public with respect to the proceedings of the Poor Law Commissioners, that it would be quite impossible for that House again to vote the salary for those Commissioners without having first instituted an inquiry into their general mode of administering the Poor Law Amendment Act. The House was probably aware of the mode in which the Rochdale board of guardians were enabled to justify their disobedience of a sealed order of the Poor Law Commissioners in the Court of Queen's Bench, and of the evidence which was expected to be elicited as to the mode in which the Poor Law Commissioners transacted their business. After every endeavour to escape examination—after the plea of privilege on the part of the Commissioners, and after that plea was overruled—after every imaginable fencing on the part of the Commissioners in the shape of questions put by counsel, they were at last obliged, when a clerk called to prove the fact was about to be put into the witness-box, to admit that the sealed order, after being signed by Sir E. Head, was carried by a messenger into Hertfordshire, to Mr. Lewis, for the purpose of receiving his signature there. He believed, that if a Committee were appointed to inquire into the general mode of administering the Act, there would be no difficulty in proving that the proceedings of the Poor Law Commissioners were uniformly and entirely in disregard of the provisions in the Poor Law Act, by which it was attempted to invest them with responsibility. Two Commissioners were obliged to be present to constitute a board; but he believed that the Commissioners did nothing as a board; and in the Rochdale case it was proved that the sealed order was signed by one Commissioner at Somerset-house, and sent to Hertfordshire for the signature of another. He believed, also, that the Secretary, whose business it was to make the minutes, was entirely dispensed with as a recording officer. Such a state of things constituted a cause of regret to the warmest friends of the principles of the New Poor Law, among whom he reckoned himself. He was a warm friend of the princi-

ples of the New Poor Law; and he wished it to be understood that his present Motion was not directed against the New Poor Law, but against the Poor Law Commissioners, who by their mode of proceeding were imperilling the very existence of the New Poor Law. He would now submit his Motion to the House; and whatever might be its result, he felt sure that the statement he had made with respect to Mr. Day's case would convince every fair and impartial man that Mr. Day had been treated with great injustice by the Poor Law Commissioners. He believed that the public would draw this inference from Mr. Day's and Mr. Parker's cases, that no Assistant Commissioner or officer of the Poor Law Commissioners was at present safe from the arbitrary mode in which those Commissioners exercised their power, and which might have the effect of perilling the existence of the Poor Law Act itself. The hon. and learned Member concluded by moving for—

"Copies of all Correspondence between William Day, esquire, late Assistant Commissioner of Poor Laws, and the Poor Law Commissioners, and the Secretary for the Home Department, relative to his involuntary resignation of his Assistant Poor Law Commissionership; and of all Minutes relative to Mr. Day's resignation, and to the appointment of Colonel Wade as his successor. Also, that it be an instruction to the Select Committee on the Andover Union to inquire into all the circumstances under which Mr. Day was called upon to resign his office of Assistant Poor Law Commissioner."

Sir J. GRAHAM said, that if the hon. and learned Gentleman who had just addressed the House anticipated from him an elaborate argument in reply, he could assure him that he was much mistaken. Had the hon. Gentleman taken the trouble to have communicated with him (Sir J. Graham) before addressing the House, he should have at once informed him that he had no intention whatever of opposing the present Motion. On a former occasion he had endeavoured to impress upon the House that it would not be possible for the Poor Law Commissioners to discharge the important functions entrusted to them, if they had not the unfettered liberty both of choosing and changing at pleasure their Assistant Commissioners, who represented them in many important particulars, and for whose acts they were responsible. He had endeavoured also on the same occasion to impress upon the House the great inconvenience which must necessarily arise from instituting an inquiry such as was now moved for. The House, however, differed from him upon that occasion; and in the case of Mr. Parker they had thought fit to institute an inquiry. He could not see any distinction between the two cases; and as the House, after a full discussion, had decided in that case by a large majority that an inquiry should take place, he did not think it necessary upon the present occasion to re-state the arguments which he then employed; and he would at once say that he was prepared to agree to the Motion of the hon. and learned Gentleman; he was quite willing that all the papers should be produced, and that the case of the dismissal of Mr. Day should be submitted for investigation to the Committee on the Andover Union. The hon. and learned Gentleman had dwelt at some length upon certain proceedings of the Commissioners in the Rochdale case, which had nothing whatever to do with the present Motion. A point of law had arisen in that case, and he believed it had been admitted that in a matter of form the Commissioners had been in error. The hon. and learned Gentleman, in seeking for inquiry, had thought right to condemn the parties accused beforehand — he stated that he believed the Poor Law Commissioners were generally in error, and that they systematically set at open defiance the Act of Parliament under which they acted. Whether that were so or not, remained to be proved. But the hon. Gentleman, himself a lawyer, added that the proceedings of the Poor Law Commissioners, as a board, could not be legal except in the presence of their secretary. It did so happen that many of their most important acts had been performed in the absence of their secretary; and with all due deference to the opinion of the hon. and learned Gentleman, he must say that he believed the legality of those acts was perfectly unimpeachable. As it was not his intention to oppose the present Motion, it was unnecessary for him to touch at all upon the question of Mr. Day's dismissal. He would only say that it was one thing not to impute blame, and another to feel that very delicate and difficult undertakings might require a peculiar treatment. On that, however, he would not enter; nor would he attempt to try the relative merits of Mr. Day and Colonel Wade. It was for the executive, charged with the responsibility of the choice of its officers, to try questions of that description; but he believed that no partiality whatever had been shown, either in favour of Colonel Wade, who was wholly unknown to him,

or in opposition to Mr. Day, with whom he was equally unacquainted. He could only say solemnly, with reference to the part which he had himself taken, that he had not been guided in the slightest degree by favour or affection. The sole and single object which he had ever had in view, had been to the best of his judgment to promote the public service in the management of matters requiring the utmost prudence and despatch.

MR. CHRISTIE reminded the right hon. Baronet that he had given no explanation of the letter which he had written.

SIR J. GRAHAM: I have no hesitation in saying that at the time I wrote that letter I did contemplate the necessity of a reduction in the establishment.

Motion agreed to.

POST OFFICE.

MR. T. DUNCOMBE rose to move for a Select Committee to inquire into the allegations of the petition of Mr. Jonathan Duncan on the maladministration of affairs in the General Post Office. He said if it were the intention of Government to accede to the Motion of which had given notice, he should not trouble the House more than a few minutes; but if it were their intention to resist his Motion, he must persevere in laying his case before the House, because he could not conceive any public department in this country in which it was more necessary that allegations of abuses when made should be at once and immediately inquired into before a Committee of that House. At the close of the last Session of Parliament, when it was almost too late for a Committee to inquire, he had moved for such a Committee to investigate a portion of the complaint which he had now to make, more especially that portion with regard to the manner in which the servants in a particular department were paid by fees. He now called upon the House, if it had any regard for its own honour—irrespective even of the public interest—if they did not wish to see every order which issued from them treated with contempt, to agree to the inquiry which he now sought for. He believed that there was no public department in this country against which there were juster grounds of dissatisfaction than against the General Post Office; of dissatisfaction too, not heard without the walls only of that department, but which existed to a most alarming and discreditable extent within. The petition to which he was about to call the attention of the House charged that department with all sorts of maladministration. The public complained of that department in consequence of the delay in the delivery of their letters; and he believed that but for certain malpractices which existed in that department, letters would be delivered in the town an hour and a half earlier than at present. That could be proved. There was dissatisfaction within the walls of the establishment, in consequence of the manner in which many very meritorious officers of that department were treated by their superiors, and of insufficient remuneration. If a subordinate officer had any complaint to make to the Postmaster General, it had no chance whatever of fairly reaching the ears of that functionary; for it must pass through a certain channel in that department, and it would either be stopped altogether, or the affair would be very much misrepresented. Such was the danger, that men were afraid to make any complaint whatever, lest they should be suspended or greatly injured in their prospects. The petition to which he begged to call the attention of the House, emanated from a gentleman of great respectability, Mr. Jonathan Duncan, of No. 13, Chester Place, Kennington, in the county of Surrey, who described himself as proprietor of the *Sentinel* newspaper—a gentleman who he was sure would not approach that House with such a petition unless he were fully prepared to prove every allegation which it contained. Some of the offences which Mr. Duncan attributed to the General Post Office had been published by him in the *Sentinel* newspaper, in consequence of which two actions for libel had been brought against him by Mr. Kelly, the inspector of letter-carriers. The first action, after being held for a considerable time *in terrorem* over the head of Mr. Duncan, was at length dropped, with the payment of the costs. Mr. Duncan then repeated the insertion of the article for which the original action had been brought. A second action was the consequence. It was kept suspended as long as possible, and when it was about to be brought to issue again, the costs were paid, and the action was abandoned. Mr. Duncan stated—

"That your petitioner has lately become acquainted with many facts concerning the present management of the General Post Office in St. Martin's-le-Grand, which your petitioner is firmly convinced that parties employed therein have wilfully withheld from the knowledge of your honourable House, especially in the inquiry ordered by

your honourable House, and conducted by your Committe in 1837, as well as from each Postmaster General, for many years past, and from Her Majesty's Government, to the great injury of the public service, and accompanied by a grievous fraud on the revenue."

The allegation stated "for many years past"—showing that the charge of malversation applied not only to the present but to former Postmasters. The only improvement which had of late taken place in the establishment consisted in the appointment of a few more incompetent hands, and in a slight addition to the salaries of a few sub-sorters, who were found to be dangerous persons who could expose the abuses of the establishment. To suppose, however, that even those persons were satisfied now, or that they would allow their subordinate brethren to be oppressed, was a very great mistake. The petitioner went on to say—

"That one of the principal causes of the delays that have so frequently occurred in the delivery of letters, and of the difficulties that impede the arrangements to meet the increase of business in the General Post Office, is a private undertaking, carried on in the office by means of the public servants, letter-carriers, sub-sorters, inspectors, and others, and of the public stores, to a considerable amount annually."

By that private undertaking, allusion was made to Kelly's *Post Office Directory*, which he (Mr. T. Duncombe) had no hesitation in characterizing as a gross job, converting a great public establishment into a sort of lucrative printing office, to the injury and disadvantage of all engaged in the establishment. He might indeed call it the bane of that establishment, and so long as that *Directory* remained, there would be discontent, corruption, and tyranny in the Post Office, and so long would the public be injured by delay in the delivery of their letters. The petitioner continued—

"That in the compilation of these Directories certain inspectors, sub-sorters, and letter-carriers are compulsorily employed throughout the year, principally during those hours which ought to be appropriated to the duties in their respective capacities; that in many instances the Post Office servants have been occupied during official hours at the printing office of these Directories, while those who remained in the Post Office have had to perform their work; that to this place messengers have been sent to recall them, when letters and newspapers have been in danger of detention through their absence."

The former part of that allegation still remained. He believed that they were even now preparing for the year 1847; and when the letter-carriers ought to be delivering their letters to the public, they were obliged to be picking up information for Mr. Kelly. The latter portion of the allegation had, he believed, been corrected now; but previously those inspectors, sub-sorters, and letter-carriers, when they were wanted for the public service, had frequently to be sent for to Mr. Kelly's printing-office in Boswell-court. A large book, price 30*s.* comes out at the commencement of each year, and at a subsequent period of the year there is a *Supplementary Directory* published. When those *Directories* came out, the letter-carriers were directed to deliver them by Mr. Kelly; and the House could form a judgment of the effect upon the public service which was produced by causing the letter-carriers to attend to that delivery, when he informed them that on the last occasion of that *Supplementary Directory* coming out, the public letters were detained fully half an hour beyond the proper time of delivery. What was the cause of that delay? It was caused by the hurry which prevailed in the Post Office, in consequence of sending out by the letter-carriers so many numbers of the *Directory* to be delivered on that morning. The last occasion of distributing the *Supplementary Directories* happened to be on the morning when one of the India mails arrived. It was the mail which was in the Great Liverpool when she was lost, and was subsequently brought to England by the Oriental; and the consequence of devoting so much of the time of public officers to the distribution of the *Directories* was such, that letters and papers that arrived by that mail had been detained for ten days in the Post Office. The day upon which the mail arrived was the 20th of March; and some of the letters and papers which had so arrived, had been detained in the Post Office for so long as ten days without delivery, in consequence of the amount of attention which was bestowed upon the distribution of the *Directories*. There could be no doubt as to the fact; and he had in his hand a list of several addresses to which those letters so delayed had been directed. The letter-carriers who were most alert in distributing those *Directories* were the most approved by Mr. Kelly; and those who felt themselves ill-treated had no power of complaining directly to the higher authorities, unless under the penalty of being charged with insubordination. The consequence of being subjected to the charge of insubordination, unless they made their complaints through Mr. Kelly, was such, that many complaints which might other-

wise be sent directly, were not now made known to the Secretary of the Post Office, or the Postmaster General. But in addition to the distribution of the *Directories*, the business of collecting information for the book was also imposed upon the letter-carriers. It was true they would be told that this information was collected out of official hours; but that was not the fact—nothing could be more false; and he could bring fifty or one hundred letter-carriers who could prove that nothing could be more absurd or idiotic than the idea that the information could be collected out of official hours. He was perfectly acquainted with the mode in which the information was collected, and he had in his possession several of the forms which were supplied to the letter-carriers, in which they were obliged to insert the names required for the completion of the *Directory*. He might be told that the men so employed had an interest in the book; but what was the interest? They had a sort of commission upon its sale. Now that was what he called a most improper course of proceeding on the part of a public establishment, for they had no right to use the services of those men in that manner. It was a dirty, miserable piece of jobbing, and was a course which ought not to be permitted. It had happened that where a letter-carrier had neglected to collect the information so required, he was deprived of a sufficient amount of his wages to pay another for collecting it; and this was done although the letter-carrier who so omitted to collect information would not have been paid if he had collected that information. It was monstrous that another man should be paid out of the wages of a letter-carrier for collecting that information, and especially as the collection of information was not voluntary on the part of the letter-carriers. The next objection which he had to make to this system was, that the public stores had been used to a very great extent in the preparation of this *Directory*. The allegation in the petition which was now before him was—

"That in the preparation of these Directories at the General Post Office, public stores, consisting of charge books, and other official documents, ink, paper, coals, and string, are freely used."

What right had any individual to use the public stores in preparing that book? None, and yet the public stores were used to a large amount for that purpose. But the complaint in the petition went further. It said that Mr. Kelly was in the habit of sending out letters on the subject of the publication of this *Directory* without a proper Post Office stamp; that they were delivered by the letter-carriers without having that stamp attached to them; and that the revenue was therefore defrauded to a considerable amount. He had been furnished with one of these letters, which he held in his hand, and it was, as described, without the proper stamp. He maintained that it was a fraud on the revenue to send out large numbers of letters in that manner without the stamp. There were thousands of these letters so sent, and containing puffs of the *Directory*, with extracts from newspapers which contained puffs of the book, and sending them without proper postage stamps was a fraud on the revenue. The next allegation in the petition was—

"That the said Frederick Kelly has instructed the letter-carriers how to evade the Hawking Act, in the disposal of copies of Kelly's Directories, and thus rendered himself liable, as your petitioner is advised, to a criminal prosecution, for aiding and assisting in a breach of the law."

The petition went further and stated—

"That in several cases the said Frederick Kelly, when debts have been owing on account of Kelly's Directory, has of his own authority stopped the wages of letter-carriers to repay himself, even in cases of disputed debt; and where the parties have been ill and in hopitals, and their families destitute; and the said Frederick Kelly has also withheld the resignation of letter-carriers, duly tendered, for several months, until the claims on them for copies of Kelly's Directory were satisfied, by which the revenue has suffered, inasmuch as moneys were paid to the said Frederick Kelly as for the salaries of persons who had ceased to be in the office."

He (Mr. Duncombe) was in a position to prove that resignations had been sent to Mr. Kelly, and that he had not tendered them to the Postmaster General, because the individuals sending in those resignations happened at the time to owe him something on account of Kelly's *Directory;* and the result of this was, that money continued to be paid to make up for the debt after they had ceased to do any work for the public. That was a gross fraud and injustice on the public service, and it was highly discreditable to the authorities of the Post Office to encourage or sanction such a system. There were 150 copies of this *Directory* paid for every year for the use of the sorters and sub-sorters, paid for out of the public revenue, on the pretence of assisting those engaged in the assorting and delivery of letters, in finding addresses where any difficulty existed; and notwithstanding that pretence, it was a fact that

the sorters and carriers were not allowed to use them by the higher authorities, in consequence of its being supposed that their use would cause a loss of time instead of affording facilities in the Post Office. But the system was still further pursued; for the petition to which he referred alleged that those were most likely to get promotion who gave the most attention to the distribution of this *Directory* to the neglect of their public duty; whilst by the too great advantage given to one publication, the public were deprived of the benefit of competition. He would tell them the result of the want of competition. It was that the public now paid 30*s.* for a work which any publisher in Paternoster-row would willingly produce for 13*s.* or 15*s.* What chance, he would ask, had any individual, such as Mr. Robson, to come into the field and depend on private enterprise or exertion in opposition to the advantages which the compiler of this book possessed? It was stated in the return that Mr. Kelly bought the copyright from Mr. Robson; but he had in his possession a letter from a friend of Mr. Robson, which stated that he (Mr. Robson) had been driven to the workhouse, and ultimately to insanity, by the unfair advantages which had been given by the Post Office authorities to another publication, and by giving this public patronage to the ruin of private persons. In the puffs, of this *Directory* which were sent to the subscribers, it was stated that the blunders of every description which had been found to exist in other *Directories* had been carefully corrected in this *Directory*, and that the names and addresses had been most carefully and correctly printed. What would the House think when he stated that, notwithstanding the alleged corrections of this work, it contained no less than 16,000 blunders? That was the *Directory* which, according to the puffs, no one could approach. This *Directory* had, in consequence of the advantages which its compilers possessed, distanced all its competitors, and was at present the only *Directory* published in London, a fact of which its publisher made a boast. Of course it was the only *Directory* which continued to be published in London; for what private individual, however industrious, could compete with the amount of patronage which was bestowed on this *Directory*. Thus not only did the public suffer from the want of competition, but a numerous class of public servants were rendered discontented by the manner in which they were employed in connection with this publication. It was no light matter to see so many individuals in a state of discontent and insubordination, such as, to his knowledge, existed amongst them. He had had individuals coming to him within the last fortnight, in numbers of ten and twelve together, to complain of this system; and those individuals were merely deputations representing the feelings of larger numbers; and when he said they were wrong in exposing themselves to the risk of such a course, they said that they were resolved on complaining of their treatment, and that they would bring two or three hundred, if necessary. Now, if hon. Members would fancy two or three hundred letter-carriers waiting on him of a morning — they would not fail to perceive the dissatisfaction which prevailed amongst them. The right hon. Chancellor of the Exchequer laughed at that—he laughed at the state of insubordination in which so large a number of the public servants were; but it was no subject for laughter. He had received a letter that morning, stating that the sub-sorters had presented an address to their superior authority, expressing their pleasure at their treatment; and it added that this address was signed by a small number, and that some of those who signed it were not long in employment; whilst so far from the feeling of satisfaction being general, several respectable officers had waited upon Mr. Bokenham to complain of their treatment, when the only answer they received was, a threat to kick ten or twelve of them out of the office, and report them also. If he were asked for a remedy for this evil, he would say, that a great deal might be done by doing away with the whole system of fees, which was an imposition on the public. Under the present system, a man commenced as letter-carrier at a salary of 20*s.* a week, which was then raised to 23*s.*, and was, at a subsequent period, reduced to 14*s.*, and made up by a system of fees, for what was called "early delivery." The effect of this was, that if a man could not give security, which was required for early delivery, he was not allowed to take a favourite walk where the fees were good; and thus, although he came in at 20*s.* a week, he was reduced to 14*s.*, without any counterbalancing advantage. That system was most unjust. He would do away with fees altogether. He was for a consolidation of the two deliveries, by which the public would escape the evils

resulting from being obliged to wait for their letters. Why should there be only one department for the delivery of letters? Why should there not be a delivery for each mail? Let the letter-carriers have a fair remuneration for their labour, and be rewarded by a graduated scale of fees, proportionate to their length of service. Let them also, after a certain time, pass from the office of a mere deliverer of letters to a sub-sorter's situation, instead of remaining all their lives letter-carriers only, while other individuals were at once appointed to the place of sub-sorter. The whole matter might be placed on a much better footing; and if a Committee of Inquiry were appointed, he was quite sure that he should be able to show, by the evidence of practical men, that a change was absolutely necessary. He had been in communication with several of these letter-carriers, and he was satisfied that they could give much useful information. At present, however, there were plenty of men to stand between them and the Postmaster General; and the consequence was, that the public did not get the benefit of the information which it was in their power to afford. He contended that the early delivery ought to be done away with. The Post Office was established for the benefit of all, and one man ought not to have his letters earlier than another because he could pay an extra fee for the service. It was imagined by many that one man was sent out from the Post Office on purpose to deliver the letters intended for early delivery; but that was a great mistake. He would take Chancery Lane as an example, where a number of lawyers lived, all of whom, it might be presumed, were anxious to have their letters delivered as early as possible. Some of these gentlemen paid an early-delivery fee, and submitted, like great idiots as they were, to this extortion. A gentleman on the third floor, perhaps, paid this extortionate fee, while persons living on the first and second floors did not pay for it. The letter-carrier went out with his letters, and delivered those he had for the man on the third floor, and afterwards went on to all his customers who paid him a guinea as an early-delivery fee till he had come to the top of Chancery Lane, and had delivered all his early-delivery letters. He then came back, and delivered what he called his late-delivery letters, which he had for those who resided on the first and second floors, though he might without trouble have delivered them as he passed by to give his customer on the third floor the letters addressed to him. He maintained that this proceeding was a contravention of the Act of Parliament, and was contrary to the letter-carriers' oath. The system was carried on for the sole purpose of making up the wages of these men, who were put on a reduced salary after a certain time, and who, as a recompense, were placed on what was called a favourable "walk." If the House had any regard for its character, it would concur in the Motion which he now brought forward for inquiry. The noble Lord the Member for Lynn said, during an earlier portion of the evening, and said truly, that every public department ought to be responsible for the returns made by it to the House. Now, there was a return which he (Mr. Duncombe) had moved for, calling for a statement of the fees and emoluments which had been received by different officers of the Post Office. Among other statements in this return, there was a return made by the inspector of letter-carriers, this Mr. Kelly. In the first place, Mr. Kelly returned his salary at 350*l.* a year; and he then went on to say, that upon his appointment he was obliged to purchase the *Post Office Directory*, and that after a time he was also compelled to purchase the copyright of *Robson's Directory*, which, as he (Mr. Duncombe) had proved to the House, was in fact destroyed and ruined by the system pursued at the Post Office. Mr. Kelly stated that the work, the *Post Office Directory*, was carried on by means of a large private capital, supported by official assistance; and he returned the amount derived from it for the year 1844 at 1,276*l.* He, however, could tell the House that Mr. Duncan stated in his petition that the profits accruing from that work were above 10,000*l.* a year. If the House would grant him the Committee for which he asked, he would undertake to prove that instead of 1,276*l.*, Mr. Kelly made 12,000*l.* or 15,000*l.* a year by the *Post Office Directory*. That was the amount which the work brought in either to Mr. Kelly or to some persons in connexwith the establishment: and the result was, the corruption and confusion of the whole department of the Post Offic. He thought Mr. Kelly ought to be called before the House, to show what he received from the *Post Office Directory*. What was the use of the House calling for returns if they were incorrect? On a former night, there was supposed to be some mistake in the commercial tariff prepared by Mr. M'Gre-

gor, and a great deal was said about the necessity of inquiry; but it was explained afterwards that it was a mere typographical error. Here, however, there was a deliberate fraud committed, for the purpose of misleading the House and the public. If the House meant to throw its shield over such a delinquency as this, it was of no use to move for returns. He asserted that the department of the Post Office was most justly complained of by the public at large. He contended that great maladministration existed in that department, which ought to be remedied, or at least inquired into. In addition to this, great injustice had been done towards the meritorious servants of that department, and the consequence was that great discontent prevailed amongst them. If the House did not inquire into the causes of that discontent, they might lay the foundation for great danger to the commercial intercourse of this country, and of this metropolis in particular; for he should like to see in what state this city would be, on any given day, if the letter-carriers should strike work. What he wanted to know was, what was the reason for which the present system was continued. He contended that it was merely for the purpose of carrying on this gross job of the *Post Office Directory*. The whole system of that establishment ought to be put upon a new footing, and an inquiry before the House, fairly conducted, would, he was satisfied, place it in a proper position. The hon. Member concluded by submitting the Motion he had announced at the commencement of his speech.

Mr. W. WILLIAMS, in seconding the Motion, said he believed that Mr. Duncan was a gentleman of that high honour and integrity which rendered him incapable of making any statement to the House without being thoroughly convinced of the accusations which he had brought forward, and of his ability to prove them. The charges brought forward by his hon. Friend (Mr. Duncombe) were such that the House could not refuse to inquire into them, unless they were prepared to proclaim to the country that public servants were justified in committing frauds on the public property. Here was a charge made that the public property was used to serve the private interests of an individual. He believed there was no department connected with the Government that more required looking into than the Post Office. There was a time when the Post Office was an example of correctness and order, but that time was gone by. He could state two very important facts, which came within his own knowledge, in confirmation of what had been stated by the hon. Member for Finsbury. That hon. Member had stated, that the names in the *Directory* were procured by the letter-carriers. This was quite true; for within the last month, the carrier who delivered letters at his house sent in a paper to him with his address, and wished to know if that was his address at present. Now, the carrier might have been kept there for a quarter of an hour, or probably he might not have been detained beyond a minute or two. Now, he begged the House only to consider that this carrier might have been to fifty other persons before he came to him. The consequence would inevitably be, that the delivery of the letters would be delayed for an hour, or an hour and a half beyond their time. He had also to state that, when formerly connected with the city, he used to pay regularly for the early delivery of his letters; to get them immediately after nine o'clock in the morning, while his neighbours who did not pay received their letters one or two hours later. Now, the letter-carriers were already paid by the public; they were in every respect public servants, and ought therefore to treat every individual of the public alike. The hon. Member had also pointed out the very extensive errors in the *Directory*. There was no question about the fact; because, from the advantage which Mr. Kelly had over all competitors, he had become a complete monopolist, and the public had no resource but to purchase his inaccurate *Directory*, everybody else having been driven out of the field. Now, if there was no other circumstance than this of gross mismanagement to call for inquiry, Her Majesty's Government ought not for an instant to resist it; but when there was a charge of direct fraud and robbery of the public stores brought forward, then he could not see upon what ground Her Majesty's Government could refuse inquiry. Were the Government prepared—was the Secretary of the Treasury prepared to say, upon any man's authority, that these charges were untrue? If that statement were made, the hon. Member said he would prove them to be true, and in those circumstances what would a denial go for? Why, it would go for nothing. He knew nothing of the charges himself; but he knew that his hon. Friend had investigated them; he knew that the gentleman who had pre-

sented the petition had investigated them; and he knew that gentleman to be incapable of making any such charges as those contained in the petition without a thorough conviction of their truth. To refuse the inquiry, therefore, would be offering a premium to public servants to act not only with dishonesty, but also with a total disregard to the performance of their public duties. He seconded the Motion with much pleasure, and he hoped that the Government would offer no objection to the inquiry.

Mr. CARDWELL said, that before following the hon. Member who brought forward the Motion in the detailed reply which would probably be expected from him to the charges which he had made against an important public department, perhaps the House would allow him to make two observations which applied to the whole question. The first was, that he begged to assure the hon. Member and the House, that there was not on the part of the Treasury, or on the part of the noble Lord who now presided over the Post Office, any more than there had been on the part of the noble Lords who had preceded him, any wish to screen from detection, from exposure, or from punishment, any malpractices like those which he had denounced to the House. The other observation which he wished to make was this, that the noble Lord who presided over the Post Office was always open, and that the Treasury was always open to the reception of memorials or applications from any of the parties who were the victims of the alleged malpractices. [Mr. Duncombe: Hear!] The hon. Gentleman cheered him derisively, but the hon. Gentleman forgot two statements that he made in the course of his own speech. The hon. Member stated that the oppressed subordinates were afraid of addressing a memorial to the Treasury; but the hon. Member also stated, in another part of his speech, that when he asked them whether they were not afraid of getting themselves into a scrape with their superiors in making their representations to him, they told him, in reply, that they were ready to come, to the number of 200 or 300, to him for the purpose of publicly expressing the indignation which they felt at the treatment they had received. Now, the hon. Member would excuse him for saying, that persons who were so little afraid of the displeasure of their superiors, that they went in a multitude of 200 or 300 for the purpose of attacking those superiors, had no reason whatever to be afraid to approach the Treasury or the noble Lord at the head of the Post Office, with a respectful memorial, stating in the fullest and plainest detail the facts of their case, and requiring the case to be investigated. ["Hear!"] He was not to be put down by derisive cheers when he made that statement; because he would tell the hon. Gentleman that if he could produce an instance of a memorial having been plainly drawn up and respectfully worded, being submitted to the noble Lord at the head of the Post Office.—[Mr. Duncombe: It would never get there.] He received day after day scores of memorials in the public department in which he had the honour to serve; and he should not dare to stand up in that House and vindicate his conduct, if it could be truly said that memorials plainly drawn up and properly expressed, containing charges of malpractices, were treated with disrespect in that department. He would say, that if the hon. Member could truly make such statement he would have a good case, not merely for a Committee of Inquiry, but for severe reprobation upon the public servants, who could make no answer in that House when any one brought forward so grave a charge, He repeated, that the Government were no more anxious than the hon. Member to protect malpractices of the sort referred to, and that the doors of the Treasury, not only through the medium of the Post Office, but directly and immediately, were open; and that if the hon. Gentleman could prove his statement that any representations had been neglected, he would say that he had a good ground of complaint against the representatives of that department in that House. He had been drawn into these general observations; but the House would now expect that he should go into some details with respect to the particulars of the case. The hon. Gentleman towards the close of his speech had referred to the early delivery of letters. With respect to this point, he begged to say that this practice had not originated recently, but was an ancient practice, and had been continued, not for the advantage of persons connected with the Post Office, but because it was believed that a large part of the mercantile community were not prepared for its immediate and sudden withdrawal. He assured the hon. Gentleman that if he could produce an instance of a gentleman in Chancery-lane residing on a third floor, getting his letters early, because he had

paid his guinea, while his neighbours on the first and second floors who did not pay did not receive theirs, which were included in the same delivery, till a later period of the day—if, he said, the hon. Gentleman would produce such a case before the Treasury— [Mr. Duncombe: No; but before a Committee.] He was not asking the hon. Member to withdraw his Motion for a Committee — nothing was further from his thought—he wanted merely to show that what the hon. Member had represented as an essential ingredient in the early delivery was a mere abuse of it; and that if the victims of it did not think it too much trouble to favour the Treasury with the particulars of the grievance under which they laboured, he undertook to have the grievance fully redressed; and he did not say this because the hon. Gentleman had brought forward his Motion to-night, but because the grievance referred to had never been sanctioned either by the officials of the Post Office or the Treasury. Having so far disposed of the subject of the early delivery, he would now venture to turn to what formed the gravamen of his speech—he meant the *Post Office Directory*. The hon. Gentleman and the House would, perhaps, bear with him while he briefly stated what the *Post Office Directory* actually was, the mode in which it was got up, and the history of the publication. The House was aware that the metropolis was, of course, divided into a great number of walks for letter-carriers. He thought that it would be readily admitted that it was absolutely necessary that the Post Office should from time to time have correct information of the addresses of the persons whom those letter-carriers were intended to serve. How was this information collected? Every letter-carrier collected those addresses in his own district. It so happened—and he had no doubt a point would be made of it in the course of the discussion—that the "form" in which they were collected was headed "*Post Office Directory;*" of course it was not essential to the official duties of the Post Office that the "form" should be so headed, but it was essential that there should be some form. Well, there were, he believed, about twenty letter-carriers to one charge-taker. When the letter-carriers collected the names, they were handed over to the charge-takers, and they again handed them over to the inspector. Thus the inspector of letter-carriers was the first person in whose hands the information requisite for a *Directory* existed in a collective shape. All this was information for official purposes. If they abolished the *Post Office Directory*, this information would be as necessary then as now. It appeared that towards the close of the last century, it occurred to the gentleman who then filled the office of inspector, that as he was in possession of information which no other person was in possession of—viz., an accurate account of the addresses of all the persons living in every district of the metropolis—it would be a convenience to the public and an advantage to himself if he were permitted to publish, under the authority of the Postmaster General, a *Directory*. The office of inspector was then held by Mr. Sparkes, who applied to Lords Auckland and Gower, the joint Postmasters at the time, and by them he was permitted to publish and sell a Directory, investing in its production the necessary capital. Mr. Sparkes was succeeded by Mr. Pritchard, who continued the publication of the *Post Office Directory* until 1836, when, upon his death, Mr. Kelly was appointed to the situation. Desirous of continuing—with the approbation of the Postmaster General—that course of procedure which, under the authority of preceding Postmasters, had been adopted, Mr. Kelly applied to Lord Lichfield, who thought it right to consult the Solicitor of the Post Office—not so much with reference to the legal bearings of the question, as because the widow of Mr. Pritchard was desirous of making an arrangement with his successor; and it was thought desirable to have the advice of the Solicitor of the Post Office on the subject. After consulting with that gentleman, an arrangement was sanctioned by the noble Lord, under which Mr. Kelly paid a sum to Mr. Pritchard's widow, and entered into the position of her late husband, so far as regarded the *Post Office Directory*. That arrangement had gone on, and the expenditure of Mr. Kelly on the *Directory* was considerable. Mr. Robson's name had also been mentioned in connexion with this subject; and the hon. Gentleman had made some severe animadversions upon Mr. Kelly. in reference to the circumstances under which Mr. Robson died. He (Mr. Cardwell) had no knowledge of any circumstances which led him to suppose that Mr. Kelly was guilty of any misconduct with respect to Mr. Robson; but he believed that Mr. Kelly had made a payment to him, in 1840, for the copyright of

his *Directory*. Last Session the hon. Member for Finsbury moved for a Return connected with the *Post Office Directory*, and in that Return a certain sum of money was entered, by or on behalf of Mr. Kelly, as the sum received by him as the produce of the *Post Office Directory*. The hon. Gentleman questioned the accuracy of that Return. He stated that the number of *Directories* sold was much greater than that which would answer to the amount professed to be received; and the hon. Gentleman said that he was ready to prove that his suspicions were correct. His situation at the Treasury had not brought him into actual contact with Mr. Kelly, but he had felt it to be his duty to institute a most careful inquiry. He had seen on the subject the Secretary of the Post Office, and the officers under him; and he felt it incumbent on him to state that he did not at all agree with the hon. Gentleman opposite in the estimate he had seen fit to form either with respect to Mr. Bokenham or Mr. Kelly. He believed, on the contrary, that the sum mentioned in the Return was perfectly accurately stated. He had had the whole accounts examined, and he was told, that taking one year with another, and allowing for the amount of capital embarked in the undertaking, that the profits were only that fair and reasonable remuneration which a man had a right to look to for his risk and labour. Let it not be forgotten that the gross amount stated in that Return was proved by a searching investigation to be the amount of interest returned upon the capital invested, as well as the amount of remuneration for the labour employed in getting up the book. More—the *Directory* had been undertaken under the sanction of the Postmaster General, and there was no ground for imputing any departure from the regulations of the Office. He was free to confess that it would not be right for either the Post Office or the Treasury to sanction any exorbitant or unfair amount of profit to be derived from a work of the class of that under discussion, and that it would be the duty of those departments, in case of any such return, to regulate the matter, with a view to its adjustment on fair and equitable principles. He did not say but that if the matter was in the position of a *res integra*, it might not be possible to adopt another arrangement; but considering the labour and expense necessarily attendant upon such a publication, he was not prepared to say, that it would be desirable, either on grounds of revenue or public convenience, to accede to the plan proposed by the hon. Member. But the hon. Gentleman had gone on to tell the House of the delay occasioned to the public owing to the circumstances of the letter-carriers being employed with respect to this *Post Office Directory*. Certainly no such delay ought to occur, and no such delay within the knowledge of the superior officers, did occur. The hon. Gentleman had stated, that on the last occasion when this work was published—the morning when it came out—happened to be that of the arrival of the Indian mail—of the mail which ought to have arrived by the Great Liverpool, but which was conveyed by the Oriental. The hon. Gentleman stated, that on that occasion, so busy were the letter-carriers with the *Post Office Directory*, that letters and newspapers addressed to influential gentlemen in the city—and he mentioned the name of one most deservedly influential person, Lord Metcalfe—were left lying about the floor for ten days, unnoticed and undelivered. Now when such statements were made to him, did not the hon. Gentleman imagine that it was impossible that such an instance of neglect could have occurred without complaints having been made, and redress obtained? No such complaints, however, were heard. Inferior officers, it was suggested, were afraid to complain of their superiors: would influential merchants, or would Lord Metcalfe, be afraid to address the Postmaster, or the Treasury? Did not the very improbability of the case suggest to the hon. Member some suspicions with respect to the accuracy of those who had informed him? [Mr. Duncombe: The letters have perhaps not yet been received.] It was more than ten days since the event took place; and as the hon. Gentleman had stated that ten days was the time during which the letters lay about the Post Office, he could himself draw the inference that they could not be there now. But let the hon. Gentleman listen to the truth of the matter. The letters in question were exceedingly damp, absolutely forming one wet mass, which occupied the servants of the Post Office a considerable time before they would separate the individual letters, and ascertain the addresses written upon them. Hence some delay occurred before the letters in question reached their destination. The hon. Gentleman said that he had hoped, after the discussion on the subject which took place last Session between the hon.

Gentleman and himself (Mr. Cardwell), some inquiry into the system of the Post Office would have taken place, and some change been effected; and the hon. Gentleman added, that the only improvement which had taken place was some increase in the salaries, and that it was a very suspicious circumstance, that on the morning of the day on which he was to bring forward his Motion on the subject, this increase was made. He could only answer to this, that he believed nothing was more remote from the minds of the Lords of the Treasury, when they made it, than that the increase had any bearing in the slightest degree on the subject of the Motion with respect to Mr. Kelly's *Post Office Directory*. Certainly it had not crossed his mind, and he did not believe it had occurred to anybody at the Treasury. Then the hon. Gentleman said these services rendered to Mr. Kelly by the subordinates of the Post Office took place in official hours; and the hon. Member who seconded the Motion said, that an inquiry by a letter-carrier took place at his door, as to his designation, which might have occupied a quarter of an hour, but through his courtesy it was not made to occupy many minutes. Now, if the hon. Member had attended to the description which he (Mr. Cardwell) had given of the manner in which the affairs of the Post Office were conducted during the last century, he must have seen that official information as to addresses was indispensable, and therefore that when the letter-carriers were occupied in this manner they were engaged in what was strictly a port of the duty they owed to the Office. Another statement of the hon. Gentleman was, that the servants of the Post Office were employed at the printing-office of Mr. Kelly, to do what was not their official business at all, but the business of Mr. Kelly solely. There was certainly some truth, or rather some colour of truth, in this. In former times it was allowed that the servants of the Post Office should be so employed generally, but for their private advantage, Mr. Kelly paying them as much as other persons for what they did for him; but the noble Lord who lately filled the office of Postmaster General had discountenanced that proceeding, and since the year 1842 it had not been adopted. The hon. Gentleman had also stated, that the public stores were employed in getting up Mr. Kelly's book. Into this matter he (Mr. Cardwell) had made a careful and searching inquiry, not through inferior, but through superior officers; and he gave the charge a most distinct and positive denial. The hon. Gentleman had said that a number of printed circulars were sent round by Mr. Kelly, through the letter-carriers, without having paid the stamp duty. Now if the Post Office directors had allowed Mr. Kelly, or if Mr. Kelly had, without such allowance, presumed to do as the hon. Gentleman stated, and sent round these circular letters without paying the postage, he (Mr. Cardwell) should have felt that nothing could have been said; but he believed that in fact it was the practice of all the large houses in the city to send round circulars to their customers by hand; and he understood that the letter-carriers carried round these circulars out of office hours. Then the hon. Gentleman spoke of debts deducted and resignations withheld, and various other matters; but the hon. Gentleman did not mention the specific cases to which he referred. Allegations of this nature were contained in the petition on the Table. He had caused inquiry to be made; he was informed it was not true that these proceedings had taken place. If the hon. Gentleman had specified instances, he should have been prepared to meet them. Then the hon. Gentleman said that abusive language had been applied to some persons, and that, when these much-abused persons applied far redress, they were discountenanced. [Mr. Duncombe: That is stated in the petition.] The hon. Gentleman mentioned the name of Roberts, a person who was suspended in the sub-sorters' office. Now, it happened that he was ready to answer that case. There was a new officer acting as the colleague of Roberts, and Roberts declined to assist the new comer. The case was now under the consideration of the Post Office authorities. That offensive language was used, was a charge he gave a direct and unqualified denial to. The hon. Gentleman said that a vote of thanks would probably be placed in his (Mr. Cardwell's) hands, signed by all the sub-sorters. Now, all his information respecting this vote of thanks had come from the hon. Gentleman; and no argument was ever intended to be derived from that vote of thanks, about which, except from the hon. Gentleman, he was totally uninformed. The hon. Gentleman said he was disappointed that nothing had been done with respect to the Post Office since last Session; but he (Mr. Cardwell) could tell him that this question had been inquired into by the Post Office authorities, and had

been specifically under the notice of the noble Lord who last Session so ably filled the office of Postmaster General, as well as of the noble Lord who now filled it. Immediately on the close of the last Session of Parliament, the Post Office did pay the hon. Gentleman that just respect which was his due in taking up the consideration of this subject; and he (Mr. Cardwell) was informed that it having been stated by Mr. Kelly to be his wish that all persons connected with the department should be relieved from the duty of collecting information for his work, the noble Lord who lately presided at the General Post Office had said, that whatever might be the arrangement with respect to Mr. Kelly, he felt it incumbent on him to require the full discharge from all letter-carriers of the duty they owed him and the public, and that this information was necessary for the interests of the department. The present Postmaster General, when the matter was brought before him, did not feel it his duty to depart from the principles laid down by the late Postmaster General; but he was desirous to remove the objections which some of the letter-carriers felt to collecting this information, and said that he would allow these parties to be excused; and there was no person now so employed who did not do it perfectly voluntarily. With respect to the payment, it must be borne in mind that out of every 30*s.*, to answer the large capital invested, there was a commission of 6*s.* allowed to the letter-carriers. Accordingly, the number of dissentients had been exceedingly few. But the hon. Gentleman said, that unless the sub-sorters neglected their duty by attending to Mr. Kelly's business, they had no chance of promotion. Promotions, however, were in the hands of the Postmaster General, and not in those of Mr. Kelly; and the hon. Gentleman might be assured that, if Mr. Kelly made such representations as he spoke of, they would not be attended to by the Postmaster General. That was an answer to the statement that Mr. Kelly had it in his power to oppress these persons. The hon. Gentleman might also rely on the responsible public officers having the utmost desire to secure an efficient and pure administration in every department of the public service, and they were open in this instance to a direct appeal, not through inferior officers, and it was most remarkable that although persons of the highest consideration had been put to inconvenience by the mismanagement of the Post Office, according to the hon. Gentleman's statement, yet they had presented no memorial to the Treasury, and that although 300 persons had applied to the hon. Gentleman on the subject, no one of them had ever come near that department. He thought that would be a guarantee to the House of the insufficiency of the hon. Gentleman's positions, and that the House would feel that it would not be just to lay on the Post Office the reproach of those charges, which he humbly submitted that he had answered.

Mr. MOFFATT said, that memorials complaining of Mr. Kelly had been presented to the Treasury, but had not reached the hands of the department. It was felt to be a very different thing to come before the chiefs of a public department and a Committee of the House of Commons. A sense that they would have justice was wanting in people's mind with respect to the former; but there was great confidence in the latter. He thought an inquiry into the management of the Post Office was necessary on public grounds, and not merely in consequence of the allegations in the petition before the House. Justice had not yet been done by the authorities of the Post Office to the penny postage system. He felt perfectly satisfied that if the system were properly carried out, and if, among other things, increased facilities were given, the deficiency in the revenue, as compared with that under the old system, would be made up. What had taken place in the London District Post fully proved this. In the year 1844, the increase in the number of letters was 1,800,000 on the previous year. In twelve months after, that is to say, between the 15th of May, 1844, and the same day in 1845, the number had increased to 2,676,000. A consolidation of the General Post deliveries with those of the old Twopenny Post would effect a great advantage, and save a great waste, which there was at present, of both money and strength; and persons might then get their letters by nine o'clock in the morning, instead of at half-past ten, as at present. Another absurd regulation was the limitation of weight in the letters conveyed by the Post Office. In these and many other respects there was in the Post Office a false and slovenly system, which he felt assured could not long be continued were the proposed inquiry to be granted.

Mr. PROTHEROE thought that the hon. Secretary for the Treasury had not

sufficiently explained whether the book of Mr. Kelly's was a public or a private work. There was no doubt that the Post Office must have such information as that to which reference had been made; and it was also most desirable that the public should have the benefit of such information collected in such a manner. The question was not whether it ought to be made use of for the public benefit, but whether it should be so made use of under the direction of the Post Office, or under that of a private individual. He did not exactly understand the position in which these sub-sorters or letter-carriers stood as regarded Mr. Kelly. If they were paid as the private servants of Mr. Kelly, it was certainly a very dangerous thing to place them, in their capacity of public servants, in a position, with respect to Mr. Kelly, in which favouritism might be exerted. He considered, however, that the returns which the hon. Gentleman the Secretary of the Treasury had so promptly promised, would yield much more information on the subject than they were in possession of at present, and enable the House better to come to a decision on the subject.

MR. BROTHERTON objected to the system on which these letter-carriers were appointed. Testimonials, however good or important, coming from the authorities of a borough, or persons among the public whose opinion was entitled to attention, were altogether disregarded; but a Member of Parliament who supported the Government might, by a recommendation to the Treasury, obtain these appointments, although he might know nothing of the persons appointed, who might be most unfit. He had been informed of cases where agricultural labourers had been sent from Buckinghamshire and other counties down to Manchester, many of whom were unable to read and write, and who were so ignorant of the streets of Manchester that they brought back the letters with which they had been entrusted, not being able to deliver them. And yet, while such men were appointed on the personal recommendation of Parliamentary supporters of the Government, the testimonials of persons on the spot, competent to judge of the fitness of the persons they recommended, were disregarded. He thought this was a system which ought to be amended.

MR. CHRISTIE said, he would support the Motion, for there was no greater field for political jobbing than the patronage of the Post Office. He thought a case had been fully made out for a general inquiry. That would elicit all the truth—not only what his hon. Friend the Member for Finsbury had told them, but also a great deal more. The hon. Gentleman the Secretary to the Treasury had given a denial to the statements which had been brought forward by his hon. Friend. He said he was "informed" that so and so was not the case. Who were his informers? He gave the House no clue to who they were, nor what was the value of the authority on which he offered the denial. He had observed that, during the progress of the discussion, there had been a frequent communication on the part of the right hon. Gentleman the Chancellor of the Exchequer with two gentlemen who, by the courtesy of the House to strangers, were sitting below the bar. For anything the House knew to the contrary, those gentlemen might be Mr. Kelly himself and Mr. Bokenham, of the General Post Office; so that the information on which the hon. Gentleman the Secretary of the Treasury had offered his denial might after all have come only from that source. The inquiry sought for would elicit information of a more general nature. The hon. Gentleman seemed to be almost jealous of persons in the Post Office going to the hon. Member for Finsbury, instead of to him; but what encouragement had they to do so, if their complaints were met by such a speech as that of the hon. Gentleman to-night? It was of no use for them to memorialize the Treasury. Upon the whole he conceived that a ground had been made out for a general inquiry. As regarded the immediate question before the House, the hon. Gentleman had entirely failed to make out a case for the collection of such information by means of the letter-carriers; and unless inquiry were made, he could not understand how, after the speech of the hon. Member for Finsbury, the persons inculpated could hold up their heads.

MR. F. BARING expressed his satisfaction that the question, which had threatened to become a general discussion as to the Post Office arrangements, had been brought back to its original purpose. The Motion, as he understood it, was not for a general inquiry into the affairs of the Post Office, but for a specific inquisition into certain allegations contained in the petition presented to the House. If the Committee for which the hon. Member moved were to be appointed, it could not inquire into such matters as alterations in the hours of delivery, or the appointment and distribution of letter-

sorters, but must confine its labours to the questions before it. In many of those matters he believed improvements might be made in the Post Office arrangements. Nor did he doubt but that improvements might be introduced into the management of every public department. Such questions were very fair subjects for the consideration of the House; and as far as this recollection of their feelings went, he believed the Post Office authorities would very gladly consent to any improvements the House might think fit to introduce. For himself he might say that his poverty, but not his will, consented to allow many of the present regulations to continue, for it was always necessary to consider how the revenue would be affected by such alterations. He was happy to find the experiment with respect to the Brighton mail, which had the effect of bringing that town within the range of the twopenny-post deliveries had been so completely successful, and hoped it would be extended to other large towns. Several symptoms of improvement had appeared in the Post Office arrangements, particularly in the addition of force made to the various departments, which had been rendered necessary by the increase of business; and he was glad to find the Chancellor of the Exchequer could afford to make that addition. As regarded the question of fees, the Government to which he had belonged had been most hostile to the system, and had done away with a great portion of it, the Post Office being the only department in which it existed in force. He hoped the Lords of the Treasury would give their consideration to the subject, and, if not at once, at least gradually abolish the system altogether. With respect to the question before the House, he must say he had very considerable doubts as to the expediency of carrying on the *Post Office Directory* through the exertions of a private individual. He objected to it on principle, and believed the fact created a very unfavourable impression; but at the same time he thought Mr. Kelly fully entitled to compensation for the loss of those profits which were some of the emoluments of his office. With respect to the attacks and allegations contained in the petition, he must say he differed very much in opinion from some hon. Gentlemen who had addressed the House, and thought that they must take into their consideration the statement of the Secretary of the Treasury —that he had made inquiry into the circumstances connected with them. What was the statement of the hon. Secretary? That the books of the various persons and departments had been looked into and examined, and that after a fair investigation, the return of profits which had been laid upon the Table had been found to be proper and just. "But," said the hon. Gentleman near him, "it is Mr. Bokenham who says so." As an old public servant, he might be allowed to say that it was not fair to attack the character of a person employed in the service of the public in such a manner as that. The Secretary of the Post Office was his personal friend—they had been early engaged together in the public service — and he was a man whose honour and integrity no person who knew him could doubt for a moment. He was bound to state that the character and lengthened public services of Mr. Bokenham entitled him to perfect credence in all his statements; and he would ask the hon. Member for Lambeth, and those hon. Gentlemen who had served with him on the Post Office Committee, whether the frankness and candour with which Mr. Bokenham had given his evidence on that occasion, had not gained their entire belief and confidence? The House had only the assertions of Mr. Duncan in proof of the necessity of this inquiry: they had no allegations from the parties most likely to be aggrieved—the public—whose letters had not been delivered. It had been stated that the affairs of the Post Office were in a state of great maladministration and insubordination; but if so the House was not the proper quarter to apply to for their correction. Public officers ought not to look to that House as their head, but to the heads of their various departments. He believed justice would be much better administered if the public service were to be carried on by those who were responsible for its execution; and that the subordinates ought to be taught to look up to their superiors alone. Under the circumstances he did not think there was sufficient ground shown for the Motion, and he was not prepared, by acquiescing in it, to cast censure on public servants.

Mr. WAKLEY said, that during the discussion he had been calculating what line of conduct the ex-official Gentlemen on his side of the House would pursue with respect to the Motion, and must confess that in going through the list of names he could not find one who would be likely to vote for the Motion of his hon. Colleague. Whenever the character or conduct of a

public officer was called in question, there was always perfect unanimity between the "ins" and the "outs." On that subject there appeared to be universal sympathy. Probably the right hon. Gentleman who last spoke foresaw that, if the inquiry were granted, it would extend to the period when he himself was in office, or he might anticipate that the day was not far distant when he would be in office again; and in either case the inquiry was not desirable. It was absurd to say that the speech of the Secretary to the Treasury was an answer to the statement of his hon. Friend: it might be called an answer, but it certainly was no refutation. The allegations were solemnly made by a respectable gentleman, and supported by a Member of that House; and he really was of opinion that, in refusing an inquiry, the House of Commons would be relinquishing its functions as the great inquest of the nation. He did not think that, in answer to charges so formally made, and so strongly supported, that the mere denial of the Secretary of the Treasury should be deemed sufficient. In the few remarks he would make, he wished to guard himself against being understood to imply any censure upon the general management of the Post Office department. He received thousands of letters yearly, and had no reason for complaint. The duties of the Post Office were certainly most laborious and intricate, and were most wonderfully executed. Also he considered the *Directory* a most valuable work to the public, and should greatly regret to see it discontinued; but at the same time it was unfortunate that any circumstances connected with its publication should have caused dissatisfaction. It should, however, be borne in mind, that the present excellences of the work were chiefly owing to the system introduced by *Robson's Directory*. With respect to the question before the House, he had received no private communication regarding it, nor had he even read the petition until he had come into the House; but he observed that charges were made of a serious character against the government of a public department; and he found that his hon. Colleague had personally seen a great number of persons who had made allegations of tyrannical and oppressive conduct pursued in that department. Could the House, under these circumstances, refuse inquiry? His hon. Friend had also stated that on a former occasion he had moved for a return of certain profits, which had been returned at about 1,279*l.* a year, but which was a positive fraud upon the House; and that he was prepared to prove before a Committee that the income from that source was not less than 10,000*l.*—thus affirming on his own authority the allegations contained in the petition. When charges of this kind were made in that House—the House of the people—and the House showed itself satisfied with a mere denial by gentlemen connected with the department, what would be the opinion of the public of the manner the House discharged its duty? On constitutional principles the House was bound to inquire. The charges were distinctly made, not only by a petitioner, but by an hon. Member in his place; and moreover the petitioner was stated by the hon. Member for Coventry to be a man of the highest character and reputation, and one who did not come forward with a grievance affecting himself, but as a member of the community, feeling that the public service ought to be honourably and adequately performed. But although it was seen that public property had been used for private purposes—that a humble class of public servants had been obliged to perform duties for the head of a department, still the House was told by the Government that there should be no investigation. What would the public think? That the Government would not grant the inquiry, in order to screen certain parties. He had expected better things of the Government, and was astonished at their refusal of so reasonable a request as that of his hon. Colleague.

The CHANCELLOR OF THE EXCHEQUER said, that the speech of the hon. Member who had just addressed the House was distinguished by a great deal of that natural sagacity which he applied to every question upon which he spoke. But he thought that he had made an erroneous statement as to what had fallen from those against whom his observations were principally levelled. His sagacity had been wonderful, because it appeared that he was right in his anticipations as to what would be the conduct, in respect to this question, of all those public men in this House who had any knowledge of the public business. [Mr. WAKLEY: No, no!] And the hon. Member said that he had come to the conclusion that one and all of them would be found to oppose this Motion. The hon. Gentleman further said, that the course of the House of Commons should be this—that when a Gentleman made a statement against any individual, it was the duty of

the House immediately to institute an inquiry into all the facts of the case. A complaint was made against a public officer, who had stated his emoluments derivable from the sale of the *Post Office Directory* to be 1,200*l.* a year; and because an hon. Member had stated that this return was false, and that he could prove the profits to be 10,000*l.* a year, it was said that they should *instanter* institute this inquiry. Now, the hon. Member must know tolerably well what the ordinary profits of bookselling publications were; and with this knowledge the hon. Member must certainly have his doubts as to the accuracy of his hon. Colleague's statement. If there were a doubt in the mind of the hon. Gentleman as to the truth of either allegation, the hon. Member would, he thought, be more disposed to say that the statement of the Gentleman who was thus attacked was nearer to the truth than that of his hon. Colleague. But, asked the hon. Member, were they to be content, in the face of these allegations, with the mere denial of the hon. Secretary of the Treasury? But was this a mere denial on the part of his hon. Friend? Did not his hon. Friend state that two persons had been employed to inspect the books and documents of this public officer referred to, and that the result of their inspection had impressed them with the opinion that the Returns laid upon the Table of the House were essentially correct? The hon. Gentleman had said, what was perfectly true, that the Post Office did execute most laborious duties in a most wonderful manner; but when he made that admission, and knew how well the department worked through a long period, under circumstances of peculiar difficulty, when the modes of communication were daily changing, he, on his own statement, implied a contradiction of the facts which his Colleague had brought under the consideration of the House; for that hon. Gentleman had told them that the whole department was in a state of dissatisfaction and rebellion, threatening to strike work to prevent the business of the Post Office going on, and that the inquiry was necessary to prevent those evils. The hon. Member must inwardly be convinced that the fact of the manner in which the Post Office exercised its functions was an answer to a great part of the charge. It was a popular doctrine, that whenever complaints were made, the House of Commons should appoint a Committee. What Government said was this, that these letter-carriers had a door open to them, which under no Administration had been closed, so as to have the facts ascertained on which they grounded their charges against the Post Office. The House had been told that the letter-carriers were afraid of applying to Lord Lonsdale or Lord St. Germans. He believed that to be altogether without foundation; but he said that there never had been, and never need be, fear in bringing these complaints under the cognizance of the Treasury, and securing an examination before the Treasury of the wrongs under which they suffered, or of any malversation. His hon. Friend had told the House that the Treasury were always ready to listen to complaints; and he believed that there were a number of persons in the House who could testify to the readiness with which those complaints were received and carefully investigated. If it were to be said that it was the duty of the House to enter into a preliminary examination on the mere statement of a complaint which was contradicted, it would be to impose a burden from which, he agreed with the hon. Member for Finsbury, any man conversant with business would wish to exempt the House. The hon. Member for Portsmouth had so fully defended the conduct of those who were principally engaged in the business of this department, that it was not necessary for him to add anything to the testimony he had borne. He had his information from Mr. Bokenham, who carried with him the respect of all who had any communication in business with him. He did not enter into the general merits of the Post Office, or the general exertions they had made; he admitted that there had been more delay than was necessary in carrying into execution the improvements that were required; but great improvements were going on from day to day. He had assured the House, in 1842, that the Government were as anxious as any Member of the House, that these improvements should be carried into effect gradually as the revenue would bear it; and if there had been a greater delay or difficulty in the management of the Post Office, it had arisen from the fact, that from the enormous accumulation of letters and business, it had been necessary to make a large addition to the machinery of the Post Office. Whatever complaints there might have been would not again be made. He thought the House would hardly be inclined to accede to the Motion of the hon. Member for Finsbury to embark the

House in a Committee whenever any hon. Member might state that he knew a party who would volunteer information to the House. If that principle were acceded to, he saw no limit to the Committees which the House might appoint, or to the manner in which their time might be occupied.

Mr. B. ESCOTT observed, that having been a Member of the Committee to which the right hon. Gentleman the Member for Portsmouth (Mr. F. Baring) had referred, he felt it to be his duty to say that he never heard a more intelligent or honest witness than Mr. Bokenham, when he appeared before that Committee. He had also a perfect recollection that it had been amply proved that every complaint or memorial presented to the Postmaster General was subjected to the strictest inquiry; and so satisfied had been every Member of the Committee with the fair dealing of the Post Office authorities in such matters, that no one proposed any reports whatever on the subject of the charges then brought before them. This recollection led him to suppose that any individual coming to this House should be able to show that he had made some previous representation of grievances to the Post Office authorities. In this case, this had not been done; and he must say that, while he honoured the hon. Member for Finsbury for his general championship of grievances, in this instance the hon. Member had certainly not a very good case to bring forward. It appeared to him that this was a mere trumpery squabble between the editor of a newspaper and the conductor of the *Post Office Directory;* and that it was not a matter which the House ought to take up, as a great public question. On these grounds he should vote against the Motion.

Mr. T. DUNCOMBE replied: It was because Mr. Bokenham was an able and intelligent witness, that he wished to have him before a Committee of the House; and instead of Members of the Government running from one end of the House to the other every now and then, to pick up scraps of information on the points of his (Mr. Duncombe's) statement, from persons in attendance belonging to the Post Office, he should like to hear those parties at the bar of the House giving such information as he knew it was in their power to afford. It had been said, that Mr. Bokenham and another had examined Mr. Kelly's books, and found them correct; but it should be remembered that one of the allegations in the petition was, that Kelly and Bokenham were one as regarded this affair, and that Bokenham had threatened with punishment those letter-carriers who did not comply with Kelly's requisitions. He had made it his business to inquire minutely into the allegations contained in the petition which he had presented; and he believed in his conscience that they were one and all founded on fact, and that their truth could, if the inquiry now sought for were granted, be established in the most incontrovertible manner by witnesses in the Post Office establishment itself. Nothing could be more reasonable than the request which he now made on behalf of the public for an inquiry into the subject; and the Government were pursuing an unworthy course, and one which could not prove satisfactory to the community, if they were to refuse an inquiry, and insist upon settling a question of great public interest by merely referring to a return prepared in the establishment where the wrongs complained of were alleged, and could be proved, to exist. It would be childish to move for returns from any public department, if they were to be made up as the present Return had been prepared. If hon. Gentlemen at both sides of the House were to combine in opposing such a Motion as the present, their doing so would appear to argue that there was amongst hon. Gentlemen at both sides an impression that it was the duty of public men, present and past, to screen the delinquencies of public officers. For his own part, he found in the opposition which Her Majesty's Government was offering to this Motion, the strongest possible attestation of the excellence of his case; for he was confident that the hon. Gentlemen on the Treasury bench, if they thought that he (Mr. Duncombe) was not in a position to prove his assertions, would not hesitate to grant him the Committee: on the contrary they would jump at the opportunity of bringing him to confusion and into discredit. When a Motion was brought forward for a Committee to inquire into the alleged misconduct of certain Poor Law officers, it was not refused on the grounds that the inquiry should be instituted by the Poor Law Commissioners, and not by that House. No, the House acceded to the Motion, and the Committee in question was still sitting, notwithstanding that it was quite true that the right hon. Baronet opposite (Sir James Graham) had opposed it. He believed all the allegations contained in the petition to be strictly true; and the Government might

rest assured that the public would not be satisfied at the matter being stifled in this manner. The present Motion might be defeated; but he pledged himself that the question should be brought before the House again and again, until the inquiry had at length been granted. If the *Post Office Directory* was a public work, the public should have the benefit of it. If profits were realized by its publication, they should, as had been recommended by a Committee of that House in the case of the packet lists, be applied to the credit of the public revenue, or they might be given to that overworked and deserving class of men the letter-carriers; but most assuredly they should not be permitted to go into the pockets of Mr. Kelly. In conclusion, he would only observe that he felt he had done nothing more than his duty in not suffering a petition, involving matters of the deepest interest to the public, to lie a dead letter on the Table of that House. He felt that the demand which he made for inquiring into a question of such grave importance was reasonable and judicious, and he now left it for the House to decide between him and Her Majesty's Government, whether the Committee was to be granted or not.

The House divided:—Ayes 49; Noes 92: Majority 43.

List of the AYES.

Armstrong, Sir A.	Marsland, H.
Baine, W.	Moffat, G.
Barnard, E. G.	O'Brien, J.
Blake, M. J.	O'Brien, W. S.
Bouverie, hon. E. P.	O'Brien, T.
Bowring, Dr.	O'Connell, M.
Bridgeman, H.	O'Connell, J.
Bright, J.	Ogle, S. C. H.
Brotherton, J.	Plumridge, Capt.
Browne, R. D.	Powell, C.
Busfeild, W.	Protheroe, E.
Butler, P. S.	Rawdon, Col.
Chapman, B.	Rich, H.
Christie, W. D.	Roche, E. B.
Collett, J.	Somerville, Sir W. M.
Crawford, W. S.	Tancred, H. W.
Dawson, hon. T. V.	Thornely, T.
Evans, Sir D. L.	Wakley, T.
Ewart, W.	Walker, R.
Fitzgerald, R. A.	Warburton, H.
Forster, M.	Ward, H. G.
Granger, T. C.	Watson, W. H.
Hatton, Capt. V.	Yorke, H. R.
Hay, Sir A. L.	TELLERS.
Kelly, J.	Duncombe, T.
M'Carthy, A.	Williams, W.

List of the NOES.

Antrobus, E.	Attwood, J.
Arbuthnott, hon. H.	Baillie, Col.
Astell, W.	Baillie, H. J.
Barkly, H.	James, Sir W. C.
Baring, rt. hon. F. T.	Jermyn, Earl
Baring, rt. hon. W. B.	Jocelyn, Visct.
Benbow, J.	Jones, Capt.
Blackburne, J. I.	Kelly, Sir F.
Botfield, B.	Lindsay, hon. Capt.
Bowles, Adm.	Lockhart, W.
Bramston, T. W.	Lowther, hon. Col.
Broadwood, H.	Lygon, hon. Gen.
Bruce, Lord E.	M'Neill, D.
Buckley, E.	Mahon, Visct.
Cardwell, E.	Manners, Lord C. S.
Carew, W. H. P.	Masterman, J.
Carnegie, hon. Capt.	Meynell, Capt.
Chichester, Lord J. L.	Neville, R.
Clerk, rt. hon. Sir G.	Palmer, G.
Clive, hon. R. H.	Patten, J. W.
Cockburn, rt. hon. Sir G.	Peel, rt. hon. Sir R.
Connolly, Col.	Peel, J.
Copeland, Ald.	Polhill, F.
Corry, rt. hon. H.	Reid, Col.
Damer, hon. Col.	Rolleston, Col.
Douglas, Sir C. E.	Round, J.
Duncombe, hon. O.	Sanderson, R.
Escott, B.	Smyth, Sir H.
Finch, G.	Smythe, hon. G.
Fitzroy, hon. H.	Somerset, Lord G.
Flower, Sir J.	Spooner, R.
Forman, T. S.	Stewart, J.
Godson, R.	Stuart, H.
Gordon, hon. Capt.	Sutton, hon. H. M.
Goulburn, rt. hon. H.	Thesiger, Sir F.
Graham, rt. hon. Sir J.	Thompson, Ald.
Greene, T.	Trelawny, J. S.
Grimsditch, T.	Trench, Sir F. W.
Grogan, E.	Villiers, Visct.
Hale, R. B.	Waddington, H. S.
Hall, Col.	Walpole, S. H.
Hamilton, W. J.	Wellesley, Lord. C.
Hanmer, Sir J.	Wood, Col. T.
Harcourt, G. G.	Wortley, hon. J. S.
Hayes, Sir E.	
Herbert, rt. hon. S.	TELLERS.
Hervey, Lord A.	Young, J.
Hope, G. W.	Cripps, J.

IRISH RAILWAY BILLS.

MR. W. SMITH O'BRIEN, pursuant to notice, rose to submit a Motion to the following effect:—

"That, with a view to diminish the inconvenience and expense now incurred in carrying through Parliament Bills for the construction of Railways in Ireland, it is expedient that, in the case of Irish Railway Bills, all such inquiries as are now conducted in London by Committees of this House should, after the termination of the present Session, take place in Ireland."

In bringing forward this Motion, he did so with the view of giving effect to what appeared to be the nearly unanimous desire on this subject of the Irish public. In Ireland there was a very general feeling of dissatisfaction at the present system of conducting inquiries with respect to private Bills before Committees of that House. It was scarcely necessary that he should remind them that persons engaged in carrying private Irish Bills through Parliament

were frequently under the necessity of conveying witnesses to London from the remotest parts of Ireland at an enormous expense. They were also under the necessity of engaging counsel here, and defraying the charges of agents and deputations, all which proceedings were unavoidably attended with considerable expense. Nor was it simply a question of expense. The convenience of professional men in Ireland was deeply involved. It could not but be obvious to every one how exceedingly inconvenient it must be for those who were engaged in professional avocations in Ireland to travel, as they were sometimes obliged to do, 400 or 500 miles, and to cross the Channel twice, for the purpose of giving their testimony on matters connected with those private Bills—testimony which might be just as well given in Dublin or Cork. Besides the present system was exceedingly objectionable, for this if for no other reason, that it caused much unnecessary delay in the progress of legislation. During the last Session, twenty-eight private Bills had been introduced; and the delay to which they were subjected before they received the royal assent was such as to create great dissatisfaction in Ireland. He held in his hand a Return of Bills which had passed that House on the 10th of February, and which had not received the Royal Assent until the 21st of July, being an interval of more than five months. It was clear, therefore, that the objections were numerous and serious, both on account of expense and delay. The Loyal National Repeal Association had taken this matter into consideration late last year, and a Committee of that body, over which Sir Colman O'Loghlin presided as chairman, made a report, in which they showed not only the desirability but the practicability of having those inquiries conducted in Ireland which were now carried on in London. The report in question, as it was one which contained a very clear statement of the case, and suggested a very plain and effective remedy, he could wish that it was in the hands of every Member of the House. Perhaps the House might not be inclined to regard with much favour suggestions emanating from the Repeal Association; but he wished to have it distinctly understood that this question had not been mooted originally, nor was its agitation confined to that body. He believed he was justified in asserting that the right hon. Baronet at the head of the Government had received from time to time, from most influential persons in various districts of Ireland, expressions of their opinion that it would be well to have those inquiries connected with private Railway Bills conducted, not in London, but in Ireland. In the months of January and December meetings were held in Dublin for the purpose of calling on Government to make arrangements in order to the carrying out of this object. In his own county (Limerick) the question had first been taken up by the Conservative party, at whose requisition a meeting was held at Limerick, at which a memorial was adopted which he trusted the right hon. Baronet would lay upon the Table of the House, together with other memorials of a similar import. He trusted, therefore, that there would not be, on party grounds, any objection to the proposition which he now submitted—a proposition which, besides being signally beneficial to Ireland, by preventing delay, and causing a large sum of money—which was now expended in London—to be spent in Dublin, would also be productive of much relief to the English Members themselves. Surely the English Members could not be satisfied with the present mode of conducting business connected with private Railway Bills. There were no less than 750 measures of this description before the House at present; and surely, when regard was had to the vast pressure of business connected with the affairs of this great Empire which devolved upon the House, it must be evident that it was impossible for Members, with such a multiplicity of work upon their hands, to investigate in a satisfactory manner all the matters of detail connected with these Bills. No doubt he had his own views—views which he believed to be founded on truth — with respect to the liability of Members to serve on Committees on Private Bills. It was his opinion that Parliament possessed no right whatever to compel the attendance of Members on such Committees, in the event of their feeling disinclined to attend. Until very lately it had always been optional with Members to attend or absent themselves as they thought fit; and although the House had passed a Resolution to the effect that Members should attend, he did not think that any such Resolution could have the virtue of an Act of Parliament, which was in point of fact the only mode by which attendance could be rendered a matter of compulsion. He did not think he was called upon to dictate to the House; but various alternatives were suggested—one was, that

the investigation should be confided to some Irish Members. Now, if some individual Irish Members were patriotic enough to save expense to the country, and seek to convenience the country, he should thankfully accept their services in Ireland; but he was not prepared to say that this was the best mode of dealing with this business. For his part, he could see no objection to confiding to a commission, appointed by the Speaker, those duties which were now performed by the Members of that House. Let the Speaker, with the assent of the House, at the close or the commencement of the Session, as the case might be, appoint a commission composed of five individuals, one of whom should be a counsel of eminence—another a civil engineer—another possibly a military engineer, or person of high scientific authority—another a person of high commercial station—another an intelligent country gentleman. They could so form the committee as to get the greatest possible amount of intelligence, and they could select the persons to compose it with the utmost impartiality. He thought a commission so appointed would be infinitely more able to conduct, in a manner satisfactory to the public, the investigations that were now carried on with great inconvenience to the public before Committees of that House. The inquiries before the Committees of the House were of two kinds — those relating to the Standing Orders and those for the consideration of the Committees on Bills. He asked whether anything that was brought under the consideration of the Committee on Standing Orders might not as well be established in Ireland as in London? Then there came the questions of fact which were established before the Committees on Bills, and which facts were reported by the Committee to the House. He thought when he read for the House the entire information that those Committees were in the habit of submitting to the House, they would see at once there was nothing in the nature of this information which would render it more difficult that such information should be given in Ireland than in England. It would be at once admitted by any one who read those reports, that all the facts that were supplied to the House in the way of information might be ascertained as easily in Ireland as in London. There then remained for consideration the general policy of the measure. On that question he would be quite contented to accept *primâ facie* the opinion of such commission. All they wanted was competency and impartiality; and he believed they could obtain competency and impartiality by a judicious selection of persons not Members of that House, as they could obtain by a chance selection from Members of Parliament. He should propose that the Committee to be appointed by the Speaker, with the assent of the House, should leave the power of deciding the questions submitted to them, subject to an appeal to the House on the general policy, as well as on the facts which they were in the habit of eliciting. He (Mr. Smith O'Brien) was quite disposed to leave this question in the hands of the Government. He had, no doubt, his own ideas on the subject; but he was by no means prepared to say that others less objectionable might not be suggested by those who were more experienced. With respect to the general principle, he was strong in his confidence, not so much in his own opinion, as that which he believed to be the universal opinion in Ireland. He now called upon them to make this experiment with reference to railways. There might not be in future Sessions so many calls for legislation with reference to railways as at present; but he did complain that the Government had not paid respect to the opinion of the people of Ireland, pronounced as strongly as it could be on a question of this nature. He complained that the Government did not take measures to give effect to the sentiments of the Irish people. He had now submitted to the House the views of his fellow countrymen on the subject. If the House adopted the Resolution —which he was quite prepared to see negatived, but he felt at the same time it was his duty to submit it—if, he repeated, they adopted it, he would suggest that the same principle should be applied to all private Bills relating to Ireland. In conclusion he moved the Resolution.

Mr. FITZSTEPHEN FRENCH seconded the Motion; but not having been previously aware that the hon. Member for Limerick would then bring it forward, he (Mr. French) confessed he was not in the condition to state those figures and facts in support of the proposition which he would be otherwise prepared to state. Still, under the circumstances, and having taken some interest in railway projects, he could not sit silent. The House must remember that the systems adopted for the construction of common roads in the two countries were different; and he thought those iron roads should be classed with the common

roads. In England if a road were proposed to be made, the expense of going through the House, on account of the enormous fees to be paid, amounted to something between 700*l.* and 800*l.*; but in Ireland the expense was trivial. There were turnpike trusts in England that had become bankrupt for nine millions sterling—two millions of that were for Parliamentary expenses—and why endeavour to force upon them in Ireland a system of that kind, which they never had until the introduction of railways? The expenses of a railway, as every Member must admit, were of enormous extent. No Railway Bill passed in that House could go through it under an expense of 20,000*l.* It was necessary to bring over from Ireland the persons who served the notices, at an expense of seven or eight hundred pounds to each railway, to prove before the Committee what had already been sworn by them to a Judge of assize. It was necessary also that the witnesses should attend before the Standing Orders' Committee; and all the witnesses were brought over, perhaps, from remote parts of Ireland. The Committee on Standing Orders adjourned for a long period, and the parties were obliged to send back their witnesses. They got notice to bring on the case again; and again they brought over their witnesses, and again there was a notice of postponement. If this inquiry took place in a county in Ireland, this thing could not occur, or at least it would not entail such enormous expense. The right hon. Baronet at the head of the Government had announced his intention to bring forward a measure with reference to railways; and he asked was it fair of him to deal in the manner proposed with companies who had complied with every Order of the House, and say they would stop by a new Resolution of the House their proceeding with measures which probably all the original proprietors of the company wished should be proceeded with? He conceived there was no more necessity to bring them to that House for the construction of a railway, than for the construction of a turnpike road; and they were as competent to do the business in the grand jury as that House was. In conclusion, he seconded the Motion.

Sir ROBERT PEEL thought it was very clear that the House was hardly prepared for the discussion which the hon. Gentleman had brought forward. There were so many Motions, so many connected with Ireland of which previous notice had been given, but suddenly withdrawn, that many Gentlemen scarcely expected that a Motion of such consequence would be brought forward. He could not give a stronger proof of what he stated than that the hon. Gentleman who seconded the Motion scarcely thought it would come on. [Mr. F. French: I have just returned from Ireland.] That was a stronger proof still. The hon. Gentleman had referred to a Motion not before the House, of which he had given notice that night. His speech was directed to the Motion of which he had given notice for Thursday night. The Motion he then proposed to make was, that the House should not read a Railway Bill a third time unless a certain number of scripholders should give their assent. That was his (Sir R. Peel's) Motion for Thursday night; and the hon. Member (Mr. French), on the Motion of the hon. Member for Limerick, made a speech on that Motion. The hon. Gentleman said that the Irish grand juries were as capable of discussing questions with reference to railways as with reference to common roads. But that was not the proposal of the hon. Gentleman the Member for Limerick. He did not propose to give the power to the Irish grand juries. That also showed in what an imperfect state the question was for discussion; but his proposition was that the Speaker should appoint a commission of five persons. It was a great question whether or no they might conduct certain preliminary inquiries by some other tribunal. That was a question equally interesting to every other part of the Empire, for the purpose of saving expense, and Ireland as well as every other part of the Empire would of course receive the benefit of any such saving. He very much doubted whether, in any future Session of Parliament, there might not be much less pressure in this respect than in the present. He thought, however, that the experience of the present Session would prove very important in enabling them to determine the best course to pursue on future occasions. But the hon. Gentleman said there was a debt due by turnpike trusts to the amount of nine millions of money, and that two millions out of the nine millions had been incurred in Parliamentary expenses. If that were so, and if Ireland could save them any reduction in that respect, he trusted that she would not grudge them the amount. If a measure were proposed, containing all due precaution against any improper interfer-

ence with property, then they could take it into consideration. It was quite clear that they should not sacrifice or interfere with private property, except on grounds of public policy; but at the same time he thought the hon. Gentleman should not press them to come to any affirmation of a principle after a discussion such as that which had now taken place on this subject. What would the hon. Gentleman propose? Not that a commission of five individuals should have a power to legislate—should have a power to take, for instance, land. Legislation by that House would still be necessary, for it was quite impossible, from all they knew of Irish feeling, that the people of Ireland would submit to allow a commission of five persons, named by the Speaker of that House, to have the power of legislating for them.

MR. SMITH O'BRIEN explained. He should prefer local administration to the grand jury system. He should wish to see local bodies similar in some respects to grand juries, but dependent on popular control, to have a commission formed by that House on the authority of the Speaker similar to other commissions.

SIR ROBERT PEEL said, the commission would then be confined to making certain preliminary inquiries which might be submitted to engineers or others, perhaps, as well as to that House. He did not wish to offer an opinion adverse to that proposal, as such an arrangement might have the effect of saving the time of the House as well as the public money; but it should be recollected that after the Commissioners had made their report, legislation on the subject would still be reserved for the House of Commons, and therefore the attendance of Irish Members would be required as before. Besides it was quite clear that the parties to whom the report would be unfavourable, would seek to be heard in that House, and that the inquiry would be transferred from the Committee-rooms to the floor of that House, and would take place, according to the suggestion of the hon. Gentleman, on the second reading. He thought there must be a general feeling in the House that they were not prepared for a discussion on so serious a matter that night; and he, therefore, thought it would be much more satisfactory that the hon. Gentleman should withdraw the Motion, than that they should be under the necessity of discussing it farther at present. It was impossible that they could assent to the proposition. All that could be discussed on the question was a matter common to Ireland, and other parts of the United Kingdom, namely, whether if this pressure of private business should continue, they might not appoint some tribunal over which the House of Commons would maintain complete control. As he said before, he thought the experience of the present Session would probably throw great light on this subject. He should be sorry to give a direct negative to the proposition at present, and he trusted that other hon. Gentlemen would also feel that they were not now in a position to discuss it in a satisfactory manner.

MR. SMITH O'BRIEN said, all he wished the House to do was to affirm the principle of the Resolution.

SIR ROBERT PEEL said he should decidedly object to such a course. The question was one of detail, and not of principle.

MR. CALEB POWELL said, he did not understand his hon. Colleague to propose that the legislation should be transferred to Ireland, but merely that the preliminary inquiries should be conducted in Dublin.

MR. WAKLEY said, he thought the point had been very well explained by the right hon. Baronet opposite, namely, that it was extraordinary they should have been called on to affirm a principle without knowing how it could be carried into effect. Still the opinion was so strong on his part that injury had been done to Ireland by the constant drainage of money, and that a large expenditure was going on in this country that ought to take place in Ireland, that if the hon. Gentleman wished to divide the House he would undoubtedly vote with him. He, however, thought it would be better for the hon. Gentleman to withdraw his Motion for the present, and to bring it before the House on another occasion, when he should be prepared to submit some plan by which the principle would be carried into effect. There was a general feeling existing that Ireland was an ill-governed, neglected, and persecuted country; but it could not be said that the present Government was unfriendly to Ireland, the Irish Members themselves having admitted that no measures had been brought forward more advantageous to their country, than some which had been introduced by Her Majesty's present advisers. He, therefore, thought that, notwithstanding the Coercion Bill being introduced, the Irish Members should not look upon the Government as hostile, more especially as the right hon.

Baronet did not seem to be opposed to the principle of the hon. Gentleman's Motion. He thought nothing could be more unsound than the proposition respecting county boards. He need not remind the House of the great improvement which had taken place in the Committees of that House since local influence had been removed from them. He took it for granted that if local boards were selected in Ireland, they would be adopting the very worst principle of the old Committees of Parliament which had been so justly objected to.

Lord CLAUDE HAMILTON said, he agreed with many of the observations which had fallen from the hon. Mover and Seconder of the Resolution, as to the necessity of lessening the expense. He would, however, wish to ask the hon. Mover whether he meant his Motion to apply prospectively or retrospectively? He thought that some facilities might be adopted; but still he should vote against the proposition, as it would be an injustice to English shareholders, who would not have embarked their capital in Irish lines if they had thought they were to be left to the management of local boards.

Colonel CONOLLY was of opinion, that the crude and undigested matter brought before the House by the hon. Members, the Mover and Seconder, tended to defeat each other. One had said that the plan was the unanimous voice of Ireland. It might be the unanimous voice of Limerick, but to say that Limerick was Ireland was rather too much. The greatest portion of the capital used in Irish railroads came from English pockets, and he should be sorry to adopt any plan by which the use of that capital should be checked. That the plan suggested might be a bar to the introduction of capital was a serious objection, and one that weighed greatly with him. He was of opinion that the suggestion made by the hon. Member who had seconded the Motion, namely, that a county should decide how fast a railway should traverse its own district, tended fully to destroy the eligibility of the scheme. How could harmony be found in large undertakings, when counties could not agree even about constructing a turnpike road, on which a few hundred pounds were expended? If the right hon. Baronet at the head of the Government acceded to the modified suggestions of the hon. Member proposing the Motion, he (Colonel Conolly) might then support the measure, but not in its present shape.

Mr. MAURICE O'CONNELL really thought the arguments about the introduction of English capital into Ireland had been long since exploded. English capital had made its way to all parts of the world, and he believed there was as much of it in Ireland as was good for them. The question now, however, was—not whether English capital should be sent to Ireland, but—whether Irish capital was to be wasted in having persons hanging round that House, or dodging in the neighbourhood of Westminster Hall? The great bulk of the capital embarked in Irish railways belonged to Ireland, and the majority of the English subscribers were, he believed, now classed by zoologists as a new denomination of the stag species. All they wanted was, that the preliminary inquiries should take place in Ireland. They should recollect that every Railway Bill that came before them, cost at least 3,000*l.* in preliminary expenses in bringing over witnesses from Ireland to this country. Although he should have wished the Motion to have been brought forward at an earlier period of the evening, that it might be the more fully discussed, still so convinced was he of its propriety that he trusted his hon. Friend would not withdraw his Motion.

Mr. W. WILLIAMS hoped that his hon. Friend would not press his Motion after what had fallen from the right hon. Baronet. He should be sorry to vote against his hon. Friend; but he believed that it would be better for the attainment of the object in view to leave it to the Government at present. If towards the end of the Session the Government did not bring forward some measure, then would be the proper time to revive the subject.

Mr. FREWEN said, the hon. Member for Roscommon had alluded to 20,000*l.* having been expended on an Irish railway. He presumed that he alluded to the Dublin and Galway Railway; and if so, it was not surprising, as they had not complied with the Standing Orders. It was proved that one man had assumed three different names, and signed three signatures. He could only say that the Cork and Bandon Railway did not cost more than between three and four thousand pounds.

Mr. E. B. ROCHE hoped the hon. Member who had introduced the Motion, would not be induced to withdraw it. No time could be better than the present for the discussion of Irish affairs. The Irish Members had been told, when asking for a separate Legislature, that they

were carried away by delusions; and now, when they brought forward a practical proposition, they were told this was not the proper time for its introduction—that Ireland must wait. But Ireland could not wait—she would not wait—she should not wait.

The CHANCELLOR OF THE EXCHEQUER observed that the proposition as it stood on the Paper, was obviously against the rules and orders of the House, and was one which the House could not sanction, for it went to bind the Committees of the other House as well as this. It was better that the whole subject be left over for consideration until the commencement of the next Session.

COLONEL RAWDON said, that this Motion did not interfere with the legislative proceedings, but with the preliminary inquiries. He would not vote against the proposition of his hon. Friend; but he thought that the mode of carrying it out might be well left to the Government.

MR. DILLON BROWNE said, that if the right hon. Baronet would promise to introduce some measure on the subject, to carry out the principle involved in his hon. Friend's proposition, he would recommend him to withdraw his Motion. He thought that such matters connected with private Bills might be left to be dealt with in the localities affected, as the persons in them were best able to consult their own interests. Of course he would leave all measures dealing generally with property to the general Legislature.

MR. W. S. O'BRIEN begged to substitute "the House" for "both Houses;" and on the Resolution in the amended form,

The House divided. Ayes, 25; Noes, 69: Majority, 44.

List of the AYES.

Blake, M. J.	M'Carthy, A.
Bowring, Dr.	O'Brien, J.
Bridgeman, H.	O'Brien, T.
Browne, R. D.	O'Connell, M.
Butler, P. S.	O'Connell, J.
Chapman, B.	Powell, C.
Collett, J.	Power, J.
Crawford, W. S.	Rawdon, Col.
Dawson, hon. T. V.	Roche, E. B.
Esmonde, Sir T.	Somerville, Sir W. M.
Evans, Sir De L.	Wakley, T.
Fitzgerald, R. A.	TELLERS.
Grattan, H.	O'Brien, W. S.
Kelly, J.	French, F.

List of the NOES.

Attwood, J.	Baring, rt. hon. W. B.
Baillie, Col.	Bennet, P.
Barkly, H.	Blackburne, J. I.
Bowles, Adm.	Kelly, Sir F.
Bramston, T. W.	Lindsay, hon. Capt.
Brotherton, J.	Lockhart, W.
Bruce, Lord E.	M'Neill, D.
Buller, Sir J. Y.	Mahon, Visct.
Cardwell, E.	Masterman, J.
Carew, W. H. P.	Meynell, Capt.
Carnegie, hon. Capt.	Moffatt, G.
Clerk, rt. hon. Sir G.	Morris, D.
Clive, hon. R. H.	Neville, R.
Cockburn, rt. hn. Sir G.	Newdegate, C. N.
Conolly, Col.	Newry, Visct.
Corry, rt. hon. H.	Peel, rt. hon. Sir R.
Damer, hon. Col.	Peel, J.
Douglas, Sir C. E.	Rolleston, Col.
Duckworth, Sir J. T. B.	Somerset, Lord G.
Escott, B.	Somerton, Visct.
Fitzroy, hon. H.	Stuart, H.
Flower, Sir J.	Tancred, H. W.
Frewen, C. H.	Thesiger, Sir F.
Gordon, hon. Capt.	Thornely, T.
Goulburn, rt. hon. H.	Trench, Sir F. W.
Graham, rt. hon. Sir J.	Tyrell, Sir J. T.
Greene, T.	Villiers, Visct.
Hale, R. B.	Waddington, H. S.
Hamilton, W. J.	Walpole, S. P.
Hamilton, Lord C.	Warburton, H.
Hawes, B.	Wellesley, Lord C.
Hayes, Sir E.	Williams, W.
Herbert, rt. hon. S.	Wortley, hon. J. S.
Howard, Sir R.	TELLERS.
Jermyn, Earl	Young, J.
Jones, Capt.	Cripps, T.

House adjourned at half-past Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 22, 1846.

MINUTES.] NEW WRIT. For Linlithgow Burghs, *v.* William Baird, Esq., Chiltern Hundreds.

PUBLIC BILLS.—2° Legal Quays (London).

3° and passed. Railway, &c. Deposits; Commons Inclosure.

PETITIONS PRESENTED. By Mr. Hawes, from a number of places in the County of Cornwall, for Better Observance of the Lord's Day.—By Captain Lindsay, from Clergy of the Rural Deanery of Wigan, against Union of St. Asaph and Bangor Dioceses.—By Mr. Waddington, from Guardians of the Poor of the Cosford Union, for Rating Owners in lieu of Occupiers of Small Tenements.—By Sir James Graham, from Richard Birkin, Lace Manufacturer of the Town of Nottingham.—By Mr. Acland, from Treborough, and by Mr. Sidney Herbert, from Durnford and Teffont Magna, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Sir William Somerville, from Members of the Drogheda Mechanics' Institution, and other Inhabitants of the Town of Drogheda and its Vicinity, for Encouragement of Mechanics' Institutes (Ireland).—By Mr. Blackburne, from Persons holding Offices connected with the Administration of the Laws for the Relief of the Poor in the Warrington Union, for a Superannuation Fund for Poor Law Officers.—By Dr. Bowring, from Arbroath, for Alteration of Prisons (Scotland) Act.

FRIENDLY SOCIETIES.

House in Committee on further consideration of the Report of the Friendly Societies Bill,

On the Question that Clause 1 stand part of the Bill,

Mr. DUNCOMBE said, that the Bill at the present moment was much misunderstood. There was no doubt that a great number of friendly societies now in existennce would be greatly circumscribed and crippled in their operations if this clause were allowed to stand part of the Bill. He proposed that these societies should, under the new Act, have the power of transferring their shares. A deputation had waited upon him that morning, from a friendly society, stating a case in which they would be interfered with. A few days ago some members of a friendly society wished to emigrate to Russia. They had been subscribers to their society for a length of time, and of course their subscriptions were worth something to them. After the passing of this Bill, they would be unable to withdraw their money, or to transfer their shares to any other persons, whether they were or were not connected with the society, and of course their money would be left behind them in this country.

Sir J. GRAHAM said, that the hon. Gentleman was incorrect in stating that the tendency was to narrow and restrict the power of friendly societies. The object of the Bill was the reverse. The effect of the judgment of Mr. Justice Wightman, from which no appeal was made, was, no friendly society could be held to be lawful which was not *ejusdem generis*, with certain specific principles of association in the existing law; and the object of the present Bill was to enlarge and extend the powers of those societies, without directly contravening that judgment. With reference to the particular point made by the hon. Gentleman with regard to the transfer of the shares of these societies, he thought that the hon. Member was not correct in stating that the law at the present moment permitted the transfer of shares. The clause they were discussing did not operate so as to interfere with those societies registered before the passing of the Act; for all shares in such societies, if they were transferable, would remain so. With regard to the policy of making shares transferable, he objected to the principle; for he conceived that these associations were associations of mutual confidence and assurance. The law assumed, and rightly assumed, that the members of these societies were parties known to each other, and who trusted each other; and, as the case was put by the hon. Member, members of these societies would have the power of transferring shares to persons not known to the society—to parties not trusted by them, and not acceptable to them, and who might not be agreeable associates for the other Members. He conceived that it was not right that new members should be admitted without any power of checking or controlling their admission on the part of the society in general. He wished to make these shares, not a matter of barter: he did not wish to create friendly society stags as well as stags of another nature; and whatever might be the law with respect to these societies, he was not prepared to introduce the principle of unlimited and unchecked transfer to strangers; for the law based these societies on the assumption that they were formed for the purpose of friendly and mutual assurance. He therefore proposed to strke out the words after the word "that," and to add the words "the investment of each member shall be employed for the sole benefit of the person investing, or for his children, or kin, and that no party shall give his investment for the relief, maintenance, or endowment of any other person or member whatever." That addition would make the investment the property of the parties subscribing, or their relatives.

Mr. RUTHERFURD thought that it was just and fair that persons who subscribed funds to a society should have the power of transferring them. He thought it would be better to have the clause stop at the word "transfer," and to leave out the words proposed by the right hon. Gentleman.

Sir J. GRAHAM said, he wished to be perfectly candid on this matter. He was perfectly willing to admit the right of persons to combine against their employers, for the purpose of getting higher wages; and under the existing combination laws, it was perfectly legal for them to do so. But he was afraid that the accumulation of those societies, which bore a high rate of interest, might be directed to the purpose of holding out under the strike with their employers for a long time. He was afraid that if they stopped at the word "transfer," without adding the words which he proposed to the end of the clause, facilities would be given to what, for the sake of brevity, he would call strike associations. He conceived the words he had proposed were quite necessary to prevent such an abuse.

Mr. RUTHERFURD had no objection to the caution manifested by the right hon. Baronet, but thought his object could be

better attained by a different course. He was of opinion, for instance, that the right hon. Baronet would more fully and easily secure his point, by limiting the accumulation of each share or individual to 20*l.*, or, at any rate, a low comparative sum. He did not argue that the Bill should prevent shares being transferred.

The ATTORNEY GENERAL said, that the hon. Member who had objected to the clause did not refer to the object and intention of the 4th Clause—namely, giving the power of investment to such societies, for the purpose of support to the members, in provisions, fire, &c., with or without the assistance of charitable donations. An accumulation of funds by these societies must arise, and such accumulations could not be allowed to take place without regulation upon ultimate disposal. The hon. Member also who had last addressed the House (Mr. Rutherfurd) was desirous that shares held in friendly societies should be made personal. As regarded the powers of withdrawing money invested by the holders, that was at present allowed, generally, by the rules of the societies themselves—he meant as to the investment of savings. If a limit were placed upon the amount accumulated, he thought the object sought might, perhaps, be attained.

MR. DUNCOMBE said, that nothing could be more distinctly removed from his intention, than that the shares of these societies should be transferred promiscuously to anybody. What he wished to see effected, was this, that power should be given by the Bill to allow any Member, if desirous of leaving a locality, to dispose of his shares to any other member of the society. Nothing, he was ready to allow, could be so pernicious to societies of this nature as to sanction any proceeding of a gambling or speculative character. The right hon. Baronet the Secretary of State for the Home Department had stated his object in opposing the proposed alteration, to be that of putting down strike associations; and although he said it was right that men should combine for the purpose of raising the rate of wages, yet he could not allow the funds of these societies to be used for such purposes. But the fact was, that many associations of the character for which the Bill was designed, used their funds for such purposes to this day. A society of woolsorters in Bradford in Yorkshire did so. He contended that this Bill was calculated to circumscribe, in a very material degree, the operation of the present law with regard to friendly societies; at all events, it would very much limit the privileges of the members of such societies. With regard to the decision of Mr. Justice Wightman on the point alluded to, he might state that the hon. and learned Solicitor General had stated that that decision was entirely wrong, and that the decision could not be maintained if it were appealed against. The opinion of the Solicitor General was, that friendly societies, in whose rules there was a provision for the support of Members out on strike, had every right to be certified and enrolled, because, as he and Sir Charles Wetherell had stated in their written opinion, such a purpose was perfectly legal. The fact of these societies having applied for permission to be enrolled, showed that they wished to come under the operation of the law. He felt quite confident that if the clause proposed by the right hon. Baronet the Secretary of State for the Home Department was adopted, it would impose very grievous and unnecessary disadvantages on many a deserving member of the community, as well as his family.

The SOLICITOR GENERAL said, that there were two questions involved in this discussion which ought to be kept entirely distinct: the first question was, as to whether any shares or interests in the funds of a friendly society should be allowed to be transferred or not; and the second question was, whether any such share or interest should be transferable by any member of those societies or his family. In the belief then, that the law still remained, and that it would still remain as it was expressed in this clause, it was desirable to retain the enactment, which was framed expressly with the view of preventing speculation among those classes of society to whom it was most mischievous. It was one of the chief duties of the Legislature to take measures for saving such an evil from taking place. It was true that if they had only to do with lawyers, the greater part of the interests of friendly societies would be well taken care of under the provisions of the present law. But in reference to the observation of his hon. Friend opposite, he must beg to observe, that the amount of the property of any contributor to a friendly society's funds, could no more be disposed of than could any one in the receipt of an income legally sell or mortgage his next quarter's salary. He most positively asserted that the transfer of any such power was altogether illegal;

nor were there any powers, or any words which at all sustained the opinion that such contributions had been made, or could be made, transferable. But, in order to save the public from such an impression, and to give a sufficient reason for actually preventing the transfer of contributions to the funds of friendly societies, this clause was expressly introduced; and it was partly to remove the impression which seemed to be entertained by his hon. and learned Friend opposite, that he (the Solicitor General) declared that such was the case; and he would emphatically state that the interests of a contributor to a friendly society were not transferable. It was the more necessary that this should be known, because if they allowed one transfer to be made—if they once threw around a transaction of this sort anything like the sanction of legal approval—if they permitted only a single case to occur, there would be no limit to the practice of disposing of those contributions; and the wife and children of the contributor might in the time of sickness, or suffering from accident, be deprived of that relief which was their only reliance. It was consequently necessary to prevent the transfer of those contributions, either by selling, mortgaging, pledging, or otherwise raising money on them for any future period. Though the sums to which this clause referred might seem small to some persons, yet they were of immense importance to the parties concerned; and these individuals might in a moment of thoughtlessness, or actuated by the infatuation of gambling, give up all that, which a month afterwards, in the time of sickness, they would need; and thus the family of a man who relied upon those contributions for their support, would be deprived of all advantage from them. If the House only considered the subject, they would see, that of all the community it was the working portion of the people which was most entitled to protection from the Legislature. He was now desirous of removing the impressions of the hon. Gentleman opposite (Mr. Duncombe) respecting the words of the second part of this clause. Whether the words could bear the meaning or not, he (the Solicitor General) believed that they did; it was desirable to put a still more stringent restriction upon the selling or pledging of contributions to friendly societies. But mistakes had arisen in the minds of some persons, which it was necessary to remove. The words had been introduced into the Bill in consequence of an impression that had got abroad, and which had reached the well-informed mind of the hon. Gentleman opposite, that because shares were pledged, sold, and transferred, that such transactions were sanctioned by law. It was also supposed that if any person who had contributed to the funds of a friendly society in London was desirous of removing to some part of Scotland or Ireland, that on doing so he ceased to become a member, and that he would lose his title to his portion of the funds in the hands of the society, and was, consequently, deprived of all right to his former contributions. This was a great mistake, for it was a misapprehension to suppose that he was to lose all his benefit. Although deprived of the right to sell his contributions or to pledge them, yet he would be entitled to receive back the whole worth of his property in the funds. There was no desire to prevent any member of these societies from enjoying those advantages; but the object of the Secretary of State for the Home Department was to hinder the appropriation of the funds of any society towards the support of individuals who had entered into any association or combination for the purpose of supporting persons who were conspiring or combining to raise wages, or had entered into any arrangement to strike for wages. The object of the Amendment, as proposed by the hon. Gentleman (Mr. Duncombe) was, in fact, one to be regulated by the rules for governing the society, rather than by the law under which it was established; and he believed it was, in fact, comprised in the rules of most friendly societies now in existence, and came under the control of Mr. Tidd Pratt, who was the proper officer to supervise or introduce it. An hon. Member had stated, that the law relating to friendly societies as it then stood, was very uncertain in its operation. He was not prepared to state, that under the words in the existing Act of Parliament, namely, "for any other purpose not illegal," that the powers of the Act might not be applied to purposes other than those connected with friendly societies; such, for instance, as the hon. Member had suggested. It was because there existed so much uncertainty upon the present laws relating to friendly societies, that he considered some alterations were essentially necessary.

Clause with amendments agreed to.

On Clause 3 being read,

Mr. DUNCOMBE inquired if those so-

cieties whose rules had been certified by the revising barrister should be taken to be legal societies under this Bill. He conceived that the stricter provisions of the Bill were retrospective, and might break up some of those societies that had been already certified.

SIR JAMES GRAHAM said, that all the societies which had been established before the passing of the Act would stand on the same legal footing as they would do if the Act had not passed; but in case of any doubt being entertained by any of those parties in consequence of the legal foundation on which they stood, they might under the fifth paragraph of the clause apply to the Secretary of State and Attorney General for a new constitution.

MR. T. DUNCOMBE contended that to carry that object into effect, the word "or" should be introduced into the clause, so that the Bill might include all the friendly societies whose rules Mr. Tidd Pratt had certified. He moved to insert the word "or."

The Committee divided — Ayes 7; Noes 93: Majority 86.

List of the AYES.

Crawford, W. S.	Strickland, Sir G.
Escott, B.	Williams, W.
O'Connell, D.	TELLERS.
O'Connell, J.	Duncombe, T.
Powell, C.	Evans, Sir De L.

Dist of the NOES.

Ainsworth, P.	Duncombe, hon. O.
Antrobus, E.	Elphinstone, H.
Arbuthnott, hon. H.	Estcourt, T. G. B.
Arkwright, G.	Ewart, W.
Baillie, Col.	Finch, G.
Baillie, H. J.	Forbes, W.
Baine, W.	Fuller, A. E.
Baring, rt. hon. F. T.	Gordon, hon. Capt.
Baring, rt. hon. W. B.	Graham, rt. hon. Sir J.
Beckett, W.	Granger, T. C.
Bennet, P.	Gregory, W. H.
Bentinck, Lord G.	Grimsditch, T.
Bodkin, W. H.	Grogan, E.
Borthwick, P.	Hamilton, Lord C.
Bowles, Adm.	Hawes, B.
Bramston, T. W.	Hay, Sir A. L.
Broadley, H.	Hayes, Sir E.
Buckley, E.	Henley, J. W.
Buller, Sir J. Y.	Herbert, rt. hon. S.
Busfeild, W.	Hope, Sir J.
Cardwell, E.	Hope, G. W.
Carew, W. H. P.	Jermyn, Earl
Chichester, Lord J. L.	Jolliffe, Sir W. G. H.
Clerk, rt. hon. Sir G.	Jones, Capt.
Coote, Sir C. H.	Kelly, Sir F.
Cowper, hon. W. F.	Kemble, H.
Craig, W. G.	Langston, J. H.
Denison, E. B.	Lawson, A.
Douglas, Sir C. E.	Lockhart, W.
Duckworth, Sir J. T. B.	M'Neill, D.
Duncan, G.	Mahon, Visct.
Manners, Lord J.	Strutt, E.
Marsland, H.	Sutton, hon. H. M.
Meynell, Capt.	Thesiger, Sir F.
Milton, Visct.	Trelawny, J. S.
Morgan, O.	Trench, Sir F. W.
O'Brien, A. S.	Vyse, R. H. R. H.
Ogle, S. C. H.	Waddington, H. S.
Pakington, J. S.	Walker, R.
Patten, J. W.	Wellesley, Lord C.
Rawdon, Col.	Wood, Col.
Rolleston, Col.	Wood, Col. T.
Rutherfurd, A.	Worsley, Lord
Sanderson, R.	Wortley, hon. J. S.
Scrope, G. P.	Wrightson, W. B.
Seymour, Sir H. B.	TELLERS.
Sotheron, T. H. S.	Young, J.
Spooner, R.	Cripps, T.

Clause to stand part of the Bill.

Clauses to 15 agreed to.

House resumed.

Committee to sit again.

COUNTY ELECTIONS BILL.

MR. ELPHINSTONE moved the Second Reading of this Bill.

COLONEL THOMAS WOOD had not very closely examined the provisions of the Bill; but so far as he understood the nature of it, he was disposed to oppose it. He thought it would be productive of very serious inconvenience to county voters; and he should move that it be read a second time that day six months.

LORD WORSLEY read the following return of the number of votes recorded at county elections in 1841; showing that a large proportion of the registered constituencies recorded their votes on the first day:—

Counties.	Total Votes Recorded.	First Day's Poll.	Second Day's Poll.
Buckinghamshire	8,579	6,938	1,641
South Essex	5,127	4,218	909
Hertfordshire	6,415	7,919	1,406
South Northamptonshire	5,675	4,825	850
West Yorkshire	49,782	41,499	8,283
North Northumberland	3,480	2,762	718
East Cumberland	5,976	5,377	599
North Lincolnshire	13,743	11,103	2,640
East Sussex	5,302	4,290	1,012
South Derbyshire	11,020	8,645	2,375
South Leicestershire	7,563	6,936	627
East Cornwall	7,456	6,961	495
East Norfolk	8,313	6,863	1,450

He thought that the regulation proposed by the present Bill would be a most wholesome one. He was aware of some instances in which voters, from their ignorance of the law, thought that after having recorded their votes on the first day of an election for one candidate, they were entitled to

vote for the other candidate on the next. He assured the House he was aware of instances in which voters expressed their disappointment on being informed, when endeavouring to record their votes for the candidate opposed to the one for whom they had voted on the first day, that they could not be received again, they having already voted. He thought the Bill would prevent such mistakes, and he should most decidedly support it.

Mr. NEWDEGATE opposed the Bill, and urged upon the Government and the House not lightly to interfere with the county constituencies pending the investigation upon the subject now going on before a Committee of that House, or hastily to judge of those constituencies by the past, as a criterion for the future. He was sincerely anxious to see the constituencies of the country fairly represented; but if this measure were agreed to, and the election for a county to take place in one day, the Anti-Corn-Law League might crowd the booths with their friends, and so interfere with the fair exercise of the franchise; and if the polling places were made more numerous, the sheriffs' expenses and the expenses of conveying the electors would be increased. He would meet the argument that the greater proportion of votes was taken on the first day, by referring to what had taken place before that House in the present Session. No less than thirty-six petitions had been presented, in the case of contested elections for cities and boroughs; and of these twenty-nine had been decided by Committees, and seven had been withdrawn; while only three had been presented in the case of county elections, of which two had been decided by Committees, and one withdrawn. He thought the Bill would have a mischievous effect, and he should support the Amendment.

Mr. BRIGHT said, that the arguments urged against the present Bill had also been advanced when the existing system was proposed as an alteration of the Reform Bill. But the experience of limiting elections to one day in boroughs, proved how wholly untenable those arguments were. His experience led him to believe that the desire to place county elections on the same footing was universal. He believed it had been admitted even by the hon. Member for the West Riding of Yorkshire, that the whole of that county might be polled in one day.

Mr. B. DENISON had made that admission; but that was not the question. The question was, whether they ought to apply the same rule to counties as to boroughs. If they did, they would undoubtedly deprive a number of out-voters of the opportunity of voting. He, for instance, had a vote in Lincolnshire and in Yorkshire, but could not avail himself of it, if the election for each took place on the same day. He had heard no complaint whatever from county constituencies on the score of the expense; and having been requested by a great number of persons to oppose this Bill, he, for these reasons, had resolved to do so.

Sir J. GRAHAM wished to state shortly his reason for opposing the Bill. He agreed with the hon. Member for Middlesex (Colonel Wood), and did not attach much importance to the question before the House, because practically he did not believe that the measure would have any material effect on the results of county elections. He was about to state the principle which ought in his opinion to guide the decision of the House. He thought it politic to reduce the expenses of contested elections within a certain limit; and that limit was the consideration due to the full and free exercise of the franchise. The paramount consideration was not whether the expenses of candidates could be reduced, but whether such reduction was consistent with the full and free exercise of the franchise. He was bound to say he did not think it was, trying the present measure by that test. He perfectly agreed with his hon. Friend the Member for the West Riding of Yorkshire (Mr. B. Denison), that the analogy between counties and boroughs could not be sustained. No Bill had ever met with greater approbation than that for abridging the time for elections in boroughs. But it must be observed that residence within seven miles was an indispensable condition of voting in boroughs. In reference to counties, there was no such limitation; and in some counties it appeared that so many as one-fourth of the electors were non-resident. This discussion was in some respects rather a game at cross-purposes; the facts adduced by the noble Lord (Lord Worsley), for the purpose of showing that the number of voters on the second day at various contested elections was so small as not to affect the result, might bear a different construction. He had no idea that the number of voters who voted on the second day was so great. He knew two constituencies—the one the largest in England, Middlesex; and the

other the smallest, Rutlandshire—in which the decision of the first day was reversed by that of the second. Speaking generally, no rapidity of communication could compensate for the difficulty stated by the hon. Member for the West Riding of Yorkshire (Mr. B. Denison), that several gentleman had a right to vote in two, three, or four counties; and that they might be precluded from the exercise of their right by means of the proposed restriction. When there was a rule established by which parties were permitted to exercise their rights in more than one county, he did not see why the House should depart from that principle. The period of two days for polling was in favour of the franchise. He saw no advantage to be gained from the adoption of the present measure, except in reducing the expense of contested elections; but he did not think that advantage would be wisely purchased in the present instance. On the whole he was for adhering to the present practice. He was surprised that those who were seeking to enlarge the county constituencies, which could only be done by multiplying the number of out-voters—to which he had no objection, provided they were *bonâ fide* votes—should wish to abridge the time of polling. He wished to maintain the practice most conducive to a full and free exercise of the franchise. On these grounds he should vote against the second reading.

Sir R. H. INGLIS would venture to say, that in any of the cities or boroughs there was not a circle to be found, of a mile in diameter, which would not contain at least two polling booths; but in the counties the diameter of a circle including two such booths, would not be less than six or seven miles. There was, therefore, little or no analogy between counties or boroughs in this respect to the facility of voting and the communication. In most instances twelve per cent of the electors lived out of the counties; in some instances twenty-five per cent; the preamble of the Bill should, therefore, set forth that it was not desirable such out-dwellers should have the privilege of exercising the franchise at all. That would be the most honest mode of declaring the intentions of its promoters. He would support the Amendment of his hon. Friend.

Mr. ESCOTT said, he did not think the Legislature ought to be called upon to alter the present law merely for the purpose of diminishing the expenses of contested elections; but for the purpose of promoting and increasing purity of elections, which he thought the present Bill would, to some extent, achieve. It was because he thought it would have this salutary effect, that he would support the second reading. It was a step in the right direction. He thought that it was generally upon the second day of polling at county elections that unfair practices were resorted to—that bribery and treating generally took place. His gallant Friend (Colonel Wood) might say "no;" but he would say "yes." He dared to say that the electors in Middlesex were very pure; but still he must observe, that it was generally upon the morning of the second day's polling that certain doubtful voters were secured. Upon that day, at contested elections, there was generally a number of these voters hovering about the booths, presenting a great temptation to the candidate who was anxious to secure the first place in the uncertain conflict. In some cases, not merely the waverers were secured by such temptations, but even those who had promised one candidate, were induced to vote for another. He had no doubt but the present Bill would, by shortening the duration of county elections, increase their purity. Those who used corrupt practices to secure their return, were not likely to make useful representatives, or trustworthy public men.

Colonel SIBTHORP had listened with great attention to the speeches on both sides, but had not heard it satisfactorily explained how the present Bill was at all consistent with the full and fair exercise of the franchise. The hon. Gentleman who had just sat down, cautiously avoided that point. He had votes in five different counties, which were widely separated from each other. He was anxious, in the present state of affairs, to record every one of these votes; but, according to the provisions of the Bill, he should find it impossible. The noble Lord complained of the expense attending electioneering contests, and stated that he had stood three of them. He had stood six of them; but he would not be in the least deterred from standing six more such contests. Hon. Members talked censoriously of days gone by, when contested elections were very different matters from what they at present were; but he regretted the day when a check had been put upon the free circulation of the wealth of those who could afford to lose it, and thought the beggarly parsimony of the present time ten times more shabby and

wretched than the generous profusion of an antecedent period.

LORD G. BENTINCK said: The hon. and learned Gentleman the Member for Winchester has dilated at some length upon the conduct of those voters who say one thing and do another. He talks about those electors who are to be found hovering about the booths on the morning of the second day's polling, and who, he says, are induced to vote contrary to their promises. I hope that hon. and learned Gentleman will apply the principles he has laid down respecting the poor man to his own conduct, and bear in mind that when the Corn Laws are next brought under discussion in this House, he will vote as he promised his constituents he would vote. I hope, Sir, he will not forget how very reprehensible—how disgraceful it is to promise one way, and to vote another. For my own part, Sir, I am not anxious for change where I think change may not improve. I do not think it has been at all shown that the present law works badly, and will, therefore, support the Amendment of my gallant Friend the Member for Middlesex. The hon. Member for Durham argued against the present measure that before the Reform Bill fifteen days were spent in an electioneering contest. I cannot perceive how that argument bears upon the present law, which limits the days for polling to two. There may be an extreme upon one side as well as upon the other. I happen to enjoy a vote in three counties, situate in England and Scotland; but, if the present Bill were to become law, I could not exercise the privilege which the Constitution confers upon me. I will vote against the second reading of the Bill.

MR. ESCOTT: I hope the House will listen to me for a moment. The noble Lord has upon this, as well as upon one or two other occasions, spoken of me in a manner that I am not disposed to endure. All I can say, in reference to the noble Lord's conduct, is, that ignorance is commonly attended with presumption. I will not now enter into the topic to which the noble Lord alluded; but, if he had been with me last week, the electors of Winchester could have set him right upon a matter in which he seems to be altogether misinformed.

The House divided on the Question that the word "now" stand part of the Question:—Ayes 32; Noes 55: Majority 23.

List of the AYES.

Armstrong, Sir A.	Morris, D.
Bouverie, hon. E. P.	O'Connell, J.
Bowring, Dr.	Ogle, S. C. H.
Bright, J.	Parker, J.
Corbally, M. E.	Philips, M.
Cowper, hon. W. F.	Power, J.
Escott, B.	Scott, R.
Ewart, W.	Smith, rt. hon. R. V.
Granger, T. C.	Stansfield, W. R. C.
Hawes, B.	Strutt, E.
Heneage, E.	Thornely, T.
Howard, P. H.	Ward, H. G.
Langston, J. H.	Wyse, T.
M'Carthy, A.	Yorke, H. R.
Mangles, R. D.	
Marsland, H.	TELLERS.
Milton, Visct.	Elphinstone, H.
Moffatt, G.	Worsley, Lord

List of the NOES.

Allix, J. P.	Grogan, E.
Antrobus, E.	Harris, hon. Capt.
Arkwright, G.	Henley, J. W.
Baillie, H. J.	Hotham, Lord
Bennett, P.	Inglis, Sir R. H.
Bentinck, Lord G.	Jones, Capt.
Blackburne, J. I.	Kemble, H.
Bodkin, W. H.	Lockhart, W.
Borthwick, P.	Lygon, hon. Gen.
Bowles, Adm.	Meynell, Capt.
Broadly, H.	Morgan, O.
Bruce, Lord E.	Norreys, Lord
Buckley, E.	Packe, C. W.
Cardwell, E.	Patten, J. W.
Carew, W. H. P.	Rolleston, Col.
Carnegie, hon. Capt.	Sibthorp, Col.
Christopher, R. A.	Smith, A.
Chute, W. L. W.	Sotherton, T. H. S.
Corry, rt. hon. H.	Spooner, R.
Cripps, W.	Sutton, Hon. H. M.
Douglas, Sir C. E.	Thesiger, Sir F.
Estcourt, T. G. B.	Villiers, Visct.
Finch, G.	Wellesley, Lord C.
Fitzroy, hon. H.	Wood, Col. T.
Forbes, W.	Wortley, hon. J. S.
Graham, rt. hon. Sir J.	Young, J.
Greene, T.	TELLERS.
Gregory, W. H.	Denison, B.
Grimsditch, T.	Newdegate, C. N.

Bill put off six months.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, April 23, 1846.

MINUTES.] PUBLIC BILLS. — 1ª. Railway Companies Dissolution.

PETITIONS PRESENTED. By the Bishops of Rochester, Hereford, and Bangor, from Llangefire, and a great number of other places, against the Union of Saint Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester.—By Lord Kenyon, from Churchwardens, Overseers, and Guardians of the Parish of Lambeth, for the Better Observance of the Sabbath.—By Lord Kinnaird, and several other noble Lords, from a great number of Charitable Institutions, against the Charitable Trusts Bill.—By Lord Wharncliffe, and the Bishop of St. David's, from Sheffield and Carmarthen, for the Employment and Reformation of Discharged Convicts.—By the Duke of Richmond, and Lord Brougham, from several

Incorporated Companies, agaist the Burghs (Scotland) Bill. —By the Duke of Richmond, from Presbytery of Lorne, complaining of the Public Burdens imposed by Law on the Ministers of the Established Church in Scotland, and for Relief.—By the Duke of Richmond, from Provost, Magistrates, and Town Council of the Royal Burgh of Forres, for the Reduction or Abolition of the Duties imposed by the Revenue Laws on Insurances. —By the Duke of Richmond, from Relieving Officers and other Officials of the Frome Union, praying that Provision may be made for the Superannuation of all Poor Law Officers.—By Viscount Gage, from the Westfirle Union, that the Poor Rates on Property at Rents under £6 per Annum may be exacted from the Landlord.

RAILWAY LEGISLATION.

The EARL of DALHOUSIE said, in rising to move for leave to introduce the Bill of which he had given notice on the last evening of their Lordships' sitting, and also the Sessional Order which he had announced it to be his intention of submitting to their Lordships' consideration on the same occasion, he would endeavour to detain their Lordships for as short a time as possible. He would merely open briefly the provisions of the Bill, and the grounds on which he thought such an enactment necessary. Before the House adjourned for the recess, he had taken the liberty of stating to their Lordships what were the circumstances which had induced Her Majesty's Government to produce the Bill for the consideration of the House. He had directed their Lordships' attention to the complaints that had been made, and had endeavoured to set forth the evils that were complained of, and the mode in which it was proposed to remedy them. It was not necessary that he should now travel again over the same ground that he had traversed on that occasion; and their Lordships would, therefore, he trusted, permit him to advert very lightly to the late progress of railway speculation, up to the point at which it now stood. Without taking their Lordships farther back than the close of last year, he might remind them that he had then stated there were provisionally registered at the office for the Registration of Joint Stock Companies, somewhere between 1,200 and 1,400 railway schemes. Of these there were lodged at the office of the Board of Trade 800 plans, and on the last stage in these proceedings, on the last day when the plans could be received—namely, the 31st of December, that number had been reduced to somewhere about 700 projects. At the commencement of the Session in the month of January, it became his duty to direct their Lordships' attention to this subject. At that time the prosecution of these Bills was proceeding with as much earnestness and with as little appearance of flagging as at any time in the preceding season of speculation; but since then the aspect of affairs with regard to railways had entirely changed, and the views of those who were themselves interested in Railway Bills had also in like manner been entirely altered. At the time to which he before alluded, it was expected that, in the first place, the test of making the deposits required to be lodged under the Standing Orders would very greatly reduce the number of Bills which stood for the consideration of Parliament—that the deposits to be made would, as a test of the sufficiency of the companies coming before Parliament, be found very efficient in limiting the extraordinary number of Bills pending; but it had done no such thing; within a fraction of 15,000,000*l.* of deposits were lodged, and yet no check was found. It was further supposed that in consequence of the extraordinary haste in which all these schemes had been got up, the apparent impossibility of complying with the exact correctness required by the Standing Orders of both Houses of Parliament would have the effect of reducing the number of Bills to come before Parliament considerably; but so far from the Standing Orders' Committees having greatly reduced the number of Bills, they had breathed upon them as gently as a zephyr, and only reduced the entire number of schemes by about twenty-eight. But, in the mean time, the effect of the simultaneous application of this enormous amount of capital to one branch of commercial enterprize began to be felt, and was found of itself to be sufficient to render it impossible that all these schemes could be at once carried into effect. From every side the loudest and the most universal complaints were addressed equally to Parliament and to Her Majesty's Government, to the effect that the application of so much capital to that description of enterprise would have the effect of cramping, confining, and hampering every other branch of industry. The complaints were at length no longer confined to those engaged in other branches of commercial enterprise, but extended to those who had themselves engaged in railway speculation, and who were immediately interested in the success of the Railway Bills before Parliament. It was not necessary for him to enter into any details on this part of the subject. It must be sufficiently known to their Lordships

already, and in fact a mere glance at the fallen state of the stock of the various companies, was in itself conclusive proof of the truth of what he said. Indeed, as he had taken the liberty to state the other evening, so sensibly did this feeling operate, that the usual order of things had been entirely reversed in respect to these companies; so that whereas, on ordinary occasions, every appearance of success in the progress of Bills in Parliament had the effect out of doors of creating a desire to become possessed of stock in the successful project, the reverse was the case in regard to the Bills now in progress; and just in proportion as a Bill advanced through Parliament, the value of the shares sunk, until a certainty of its passing into a law sent the stock down to zero. These effects were felt in every part of the kingdom alike. On a former evening he had stated that the manifest duty of those who made these complaints was, that they should, under these circumstances, refrain from prosecuting the undertaking farther, and wind up their affairs. It had been found, however, that it was not in their power to do so. Although the law provides means for winding up the affairs of joint-stock companies that have received the sanction of an Act of Parliament, there was no existing provision to enable inchoate joint-stock companies to wind up their affairs and dissolve themselves. They were in the position of persons engaged in a private partnership, and could not dissolve their connexions without the unanimous consent of all parties engaged in the undertaking. There could therefore, practically, be no final settlement made in the affairs of these companies, because, as their Lordships were aware, the number of persons concerned was very great; too great to admit of obtaining an unanimous consent. There were instances of the attempt having been made and having failed. The parties, therefore, now came before Parliament, praying that a remedy might be provided for their relief. The Bill which he held in his hand, and which he would have the honour to submit to their Lordships' consideration, had for its object the application of this principle, by enabling companies that had not as yet obtained the sanction of Parliament to wind up their affairs. He would, with their Lordships' permission, state shortly the main provisions of this Bill. It was intended to enact that power should be given to the provisional directors, or governing body of any of these companies, which should enable them, if they thought proper, to convene a meeting of the scripholders for the purpose of considering whether they ought to dissolve the company or not. It was also intended to provide that in case the provisional directors did not think proper to convene such meeting, that then, on the requisition of a small number of shareholders, say five, the governing body should be required to call such meeting of the company, for the purpose of taking into consideration the question of winding up their affairs; and that such meeting should have power of deciding on the matter, provided due notice should be given in the *Gazette* and in the newspapers, and that a sufficient time should elapse before the meeting was held, so that, as far as possible, all parties interested in the matter should be aware of the object of the meeting, and should have an opportunity of being present at the meeting. It was intended that at that meeting no other question save that of the dissolution of the company should be taken into consideration. There were provisions in the Bill as to the election of chairman, and other matters of detail, with which it was not necessary he should trouble their Lordships. It might, however, be right that he should state that provision was made for the selection of scrutineers to examine the votes given at the meeting. The power of voting was intended to be given to all who were actual holders of the stock of the company, whether they were original allottees who had not parted with their first allotments, or whether they were persons who had purchased the scrip of others. He might state also, that the votes could be given by the holders in person, or, following the analogy of existing companies, they could be given by proxy; that the production of scrip should entitle the holder to vote in person or by proxy. It was also intended that there should be a further provision to enable parties holding scrip, and residing at a distance, to go before a Master Extraordinary in Chancery, or before a justice of the peace, and on production of the scrip, and on the numbers being verified by the Master or by the justice, a certificate to that effect could be transmitted to the meeting, and allowed in the votes by proxy. If it appeared at the meeting that on the votes being taken there was a clear majority of the shares of the company, either present in person or by their proxies, in favour of a

dissolution of the company, then such dissolution should take place. As the Bill stood, the votes would be regulated on the scale provided in the case of joint-stock companies; that is, a vote for every share up to ten, and then an additional vote for every five shares up to fifty, and one vote for every ten shares up to one hundred. They had taken this scale in preparing the Bill. But then, as it was evident that if a clear majority of the whole number of stockholders in the company were required, in order to empower the meeting to dissolve the company, a dissolution would be a very difficult thing to effect; it was further provided, that if three-fifths of the whole stock represented at the meeting, either in person or by proxy, were in favour of a dissolution, power should be, in such case, given to dissolve the company, provided that the stock represented at the meeting shall not be less than one-third of the entire stock of the company. This, it was thought, would present a fair indication of the general sense of the company. This condition was necessary on this account. Of course, if a majority of the whole company should be in favour of a dissolution, there would be no difficulty; but inasmuch as it was possible that small meetings might be packed to attain their own purposes, it was required that at least one-third of the whole stock of the company should be represented at the meeting. If at such meeting it were decided that a dissolution should take place, it was then proposed that the meeting should next determine the mode in which the affairs of the company were to be wound up. It was the object of the Government in preparing this Bill to avoid as much as possible any alteration of the existing liabilities, or of the remedies of creditors against the persons interested in these companies under the law as it stood. It was proposed, therefore, that it should be left to the meeting themselves to decide whether they would leave the affairs of their partnership to be wound up according to the law which regulated ordinary partnerships; but if that course were objected to, then the company were to have power to elect for themselves an official trustee, who should be empowered to act with an official trustee appointed as under the Court of Bankruptcy. These two trustees were to take upon themselves the satisfying of all claims against the company, and of then dividing the remainder of the funds, if any, amongst the shareholders. It was not intended that the liabilities of those who were now liable by law should be in any degree affected by this Bill. It was provided that those who should be claimants upon the company should be first satisfied out of the funds, and that, if there were a residue after all claims were paid, it should be divided among the shareholders; but if the amount were not sufficient to meet these claims, then that the defficiency should be made good by those who were now by law liable. These, he thought, were the main provisions of the Bill, which it would be obvious to their Lordships would meet the circumstances of those inchoate companies that were either unanimous or very generally desirous of winding up their affairs. But, if Parliament went no further, it was clear they would leave a great portion of the evil still untouched. He, therefore, proposed that a Sessional Order should be agreed to for meeting this difficulty. Their Lordships would perceive that, even supposing this Bill should be found acceptable to their Lordships and to the other House of Parliament, still that a considerable time must elapse before it became law; and, in the mean time, the Bills now before Parliament would be making their way onwards, and the probability was, that many of them would thus escape the test to which it was proposed to subject them by this Bill. It was pefectly well known that many of these Railway Bills were at this moment forced onwards, contrary to the sense and to the wishes of the great majority of the scripholders interested in them. It might appear, at first sight, that there was hardly any inducement to parties to adopt this course; that if the schemes were bad, the sooner they were brought to a conclusion the better. Such, however, was not the case. There were always numerous parties interested in the Bills, who were anxious to get them through Parliament. He did not mean that the respectable Gentlemen who were intrusted with the conduct of these Bills in chief would force them forward; but there were besides them numerous local parties who were interested in getting them through Parliament, or who would be benefited by them after they had passed; there were also a thousand other motives by which the provisional directors and governing bodies were influenced in forcing on their Bills. In the first place, the promoters thought it was a point of honour with them to go on: they would not give way to their rivals, but pre-

ferred to get their Bills and to take their chance of what might follow; they saw all the difficulty, but determined to face it. They had also a sensible benefit in obtaining the sanction of Parliament, for they would thereby be enabled to obtain the deposits, which until the Bill obtained the sanction of Parliament they could not touch, and to relieve themselves in a considerable degree from the personal responsibility which they otherwise sustained. There was, therefore, a direct interest on the part of those entrusted with the direction of these Bills in forcing them forward; and the consequence was that there were instances, day by day, of Bills advanced in their progress contrary to the feelings of the great mass of the scripholders interested in them. He had on a former occasion suggested that, on the presentation of a petition signed by a large proportion of those interested in the company, the progress of a Railway Bill should be stayed; but in consequence of numerous representations which had been since made to Government from various quarters, it became obvious that such a resolution would be totally inoperative. The holders of the scrip of these companies were, in the first place, scattered all over the country. It was not like the case of shareholders, who were known and could be found out; but with regard to the scripholders of these companies, nobody knew where they resided, or who they were. There was no organization among them; it was impossible they could hold any communication with each other. Many of them had so small an interest in the undertaking that it was not worth their while to take any step; many others did not wish to come forward; and, let him add, there was a vast number of the most substantial stockholders who would be the very last to come forward, to take any step in winding up the affairs of the company, inasmuch as the revelation, on their part, of their being engaged in worthless schemes, and to a large extent, would injure their credit in other undertakings. There would, therefore, not only be no hold upon the small scripholders who were scattered over the country, but there would be a strong inducement to the substantial holders to abstain from taking any step even for the purpose of winding up the affairs of the company, and relieving themselves of liability; they would much rather throw their scrip certificates in the fire, and thus abandon all their interest. The Government proposed, therefore, not to adopt the recommendation made to them by persons of the highest authority in the mercantile and commercial world—namely, to put a stop to all Railway Bills, and to allow none to be read a third time, unless there were a petition from a majority of those interested, praying that it should pass: they felt that that would be little better than a circuitous way of saying that no Bills should pass at all. But if anything to that effect were to take place, it was thought that it ought to be done manfully and openly by a resolution, not laying down a particular course contingent upon a condition which was impossible to be fulfilled. They proposed that no Railway Bill should be read a third time unless evidence was furnished to the House that a meeting of the stockholders had been held consisting of the representatives of one-third of the stock of the company, and that three-fifths of that meeting signified a desire that the Bill should proceed.

LORD BROUGHAM: You do not admit proxies, then?

LORD DALHOUSIE: His noble and learned Friend would see that proxies clearly must be admitted, as the Resolution would otherwise be nugatory; the provisional directors would have a large number of the shares in their own hands, and would have the power of commanding the meeting, unless the votes of others than those present should be received; and therefore a quorum was proposed, amounting to one-third of the stock of the company. Without that precaution, the provisional committee might be sure of passing whatever resolutions they pleased, as the meeting would be determined by them. He admitted, without waiting for the objection, that the course which he proposed was a somewhat unusual one. It was not, however, altogether without precedent. He admitted the principle that where parties had complied with all the conditions prescribed—had completed their subscription contracts, and paid their deposits—double what they had been in former years, in compliance with an Order of their Lordships—the presumption was, that having complied with all these requisitions, and desiring to go on, they ought not to be prohibited. But their Lordships had already required further securities, in particular cases, by the Order called Lord Wharncliffe's Order, which required in the case of established companies, if they sought to construct branch lines, or demanded powers beyond their original powers—that in

addition to the test of the subscription contract and the deposit, a meeting consisting of three-fifths of the company should have sanctioned the proposed alterations. He stated this merely as a precedent in some degree applying to the question now before the House. But he contended that the cirumstances of the present time were altogether peculiar. He would remind the House of the obligations under which the country now was with respect to railways. In 1844, Railway Bills were sanctioned by Parliament to the amount of 14,000,000*l.* In 1845, Railway Bills were sanctioned by Parliament involving an expenditure of capital of upwards of 60,000,000*l.* Thus, in these two years there were imposed on the community liabilities to between 70,000,000*l.* and 80,000,000*l.* for railways alone. He would state to their Lordships the amount of capital proposed to be involved in the 519 railway projects before Parliament. He would not trouble the House with going into details on the subject, but he would state that in round numbers the amount involved would appear to be 300,000,000*l.* It was obvious that nothing near this amount of capital would be actually required; but if they were under liabilities to the amount of upwards of 70,000,000 now, and if even one-fifth only of the Bills now before the House passed, it could not be done without incurring the greatest risk. He would not ask the House to go into any speculative conjectures as to the amount of the available capital of the country which could be taken from other branches of industry; but he hoped that they would look at the circumstances as they stood at present. He had said that between 70,000,000*l.* and 80,000,000*l.* was required for the completion of the railways to be made by the Bills of the last two years; and it was notorious that there had been experienced the greatest difficulty in raising the funds for carrying them on. The price, also, of all materials used in the construction of railways had risen in an exorbitant degree, and the price of labour employed in railways had also risen greatly. It had been stated a few days ago, by one of the most eminent practical men engaged in the construction of railways, before a Committee of the other House, that the charges on all articles necessary for the formation of railways were now fifty per cent more than they were last year. It might be said, if the companies chose to force their Bills, why not let them suffer the consequences? He was endeavouring to show that these consequences would not fall on them alone, but on every other class of the community. The best railway companies now felt the greatest difficulties in raising the instalments of money to construct some of the lines of last year. It was found, also, that the effect of this pressure on the money market had been such that accommodation for the customary commerce of the country could hardly be obtained, and over the whole country traces of the effects of raising such large sums, not in the ordinary employment of capital, might be seen. In the language of a respectable gentleman, writing to him on this subject, "it had taken the very heart out of the business of the country." They, therefore, should look to the interests of the other classes of the community, and they should also call upon those companies to look to the probable effects of the measures which they called for when they asked the House for its final sanction. All that he required was, that before they arrived at the last stage of the Bill there should be a meeting of the proprietors of shares in the company representing not less than one-third part of the capital or stock of the company, and that the passing of the Bill should be stayed until it should have received the sanction of the holders of at least three-fifths of the total amount of scrip produced at the meeting. He put it to the House whether such such a test was too strong, or such conditions too hard, when they looked to the consequences which would be produced to the country if they allowed the present state of things to continue. He should now read the Resolutions which he intended to propose, and he should to-morrow, or some other early evening, move that they be taken into consideration:—

"I. That this House will not read a Third Time any Bill to empower any Company (whether intended to be incorporated by such Bill, or already incorporated by Act of Parliament) to construct a Railway, unless, Three clear Days before the Third Reading, there shall have been deposited at the Office of the Clerk of the Parliaments, there to be open to the Inspection of all Parties, a Certificate signed and authenticated in manner hereinafter mentioned, and comprising the Particulars hereinafter expressed, and stating the following facts, viz.:—

"1. That a Copy of the Bill was submitted to the Consideration of a Meeting of the Scripholders of the Company, or (in case of a Company already incorporated) of the Shareholders or Stockholders of the Company, specially called for that Purpose.

"2. That such Meeting was called by Advertisements, inserted once in each of Two consecutive Weeks in the *London Gazette* (if the Railway be an English or Scotch Railway), or in the London and the Dublin *Gazettes* (if the Railway be an Irish Railway), and in each Case in at least Three London daily Newspapers, and not less than Three Times in each such Paper, in each of such two consecutive Weeks."

He knew that advantage might perhaps be taken of the winding up of the affairs of a company by parties going into the market and purchasing shares at the depreciated value, and thus acquire a power over the existence of a company. This was also the case where large numbers of shares had been held back; but he proposed to make provision as to the period when shares came into the market, and that no scrip which had not been issued, or the deposit paid on, before the 31st of March last, should be regarded as giving a power to vote. He should be willing to go the full length of a suggestion of a noble Lord opposite, that no vote should be given on a share which was acquired subsequently to the day on which the former Resolution was proposed; but such difficulties were found to exist, from the want of all means of tracing the transfer of scrip, that this was found to be impossible. He doubted whether, practically, it would be acted upon largely; but he had no doubt on the winding up, some companies' shares would be purchased for that purpose From all the inquiries that he had been able to make, he did not believe that such a proceeding would be carried to any very serious extent. The Resolutions provided—

"3. In the Case of the Company being intended to be incorporated by the Bill—That such Meeting was constituted of Persons producing thereat Scrip of the Company representing not less than One-Third Part of the whole Capital proposed to be raised by the Company under the Bill, such Scrip having been actually issued, or the Deposits in respect thereof having been paid before the 31st of March in the present Year.

"4. In the Case of the Company being already incorporated—That such Meeting was held, except so far as is herein otherwise provided, according to the Constitution of the Company, and was constituted of Shareholders or Stockholders thereof competent to vote at the Ordinary Meetings of the Company, and representing either personally or as Proxies not less than One-Third Part of the whole Capital or Stock of the Company.

"5. That at such Meeting the Bill was approved of by Persons producing thereat Scrip equal to at least Three-Fifths of the Total Amount of Scrip produced at the Meeting; or, in the case of a Company already incorporated, by Three-Fifths at least of the Meeting, the Votes being given and computed according to the Constitution of the Company."

It might be suggested that it might be difficult to get, at one meeting, one-third of the shareholders of a company together; it therefore appeared only reasonable to give the meeting the power of adjourning for a short period; and if the number of votes taken on the first day and on the day of adjournment was equal to the required number, it should be held to give effect to the Resolution.

"II. That for the Purposes of this Order it shall be competent for the Chairman of any Meeting called in pursuance thereof, in the Event of the above prescribed Quorum of Scrip Shares, or Stock (as the Case may be), not being represented at such Meeting, to cause the Votes of the Persons constituting the said Meeting, approving or not approving of the Bill, to be taken and recorded, and then to adjourn the same to some Day, Hour, and Place to be declared by the Chairman, such Day not being less than Three Days, and not more than One Week, from the original Day of Meeting, and such Day, Hour, and Place being, in the meantime, advertised Twice in each of Three London daily Newspapers; and at such Adjourned Meeting it shall also be competent to the Chairman thereof to cause to be taken and recorded the Votes of such of the Persons constituting the same as have not voted at the original Meeting; and the Total Amount of Votes given at the original and Adjourned Meeting shall be received as if given at one and the same Meeting.

"III. That such Certificate shall also comprise, in a Tabular Form, the following Particulars:—

"1. The Day, Time, and Place of the Meeting, and of the Adjourned Meeting (if any).

"2. The Dates of the Insertion of the Advertisements for the Meeting, and the Names of the Newspapers in which they were inserted.

"3. The Names and Addresses of the Persons producing Scrip at the Meeting; or, in the Case of a Company already incorporated, the Names and Addresses of the Shareholders, or Stockholders, present at the Meeting.

"4. The denoting Numbers, and the Amount of the Scrip respectively produced by the Persons so producing the same at the Meeting; or, in the Case of a Company already incorporated, the respective Amounts of Shares or Stock held or represented by the Shareholders or Stockholders attending the Meeting.

"5. The Fact of the Approval or Non-approval of the Bill (as the Case may be) by the several Persons producing Scrip at the Meeting, or by the several Shareholders or Stockholders attending the Meeting.

"6. The Total Amount of Scrip produced at such Meeting, and the Amount Thereof produced by the Persons approving of the Bill; or, in the Case of a Company already Incorporated, the Total Amount of Shares or Stock represented, either in Person or by Proxy at the Meeting, and the Amount thereof so represented by persons approving of the Bill.

"7. The Total Amount of the Capital proposed to be raised by the Company under the Bill; or, in the Case of a Company already Incorporated, the To-

tal Amount of the Capital or Stock of such Company.

"IV. That such Certificate shall be signed by the Chairman of the Meeting, and by one of the Solicitors of the Company; and the Authenticity of such Certificate shall be verified by the Signature of the Parliamentary Agent depositing the same."

Perhaps the House would permit him to correct a mistake into which he had fallen with respect to the winding up the affairs of a company. The subject was very complicated, and involved so many considerations, that it was difficult to give at once a clear and satisfactory explanation of all the details. At a meeting for such a purpose, the determination was to be taken in the way in which he had stated. If it was determined to dissolve the company, the course taken should be this:—The sense of the meeting might be taken as to whether, instead of the affairs of the company being wound up as in a case of ordinary partnership, it should be done under the provisions of the law for winding up joint-stock companies, which passed last year, and that the provisions of this law should be made applicable in this case. It had been suggested whether it would not be better that a trustee should be appointed by the meeting, and that he should act with an official assignee. A determination had not been come to on this point, and he thought that it was better not to delay the introduction of this Bill until that point of detail had been finally determined. He had thus laid before the House the provisions of the Bill he intended to present, and also the Sessional Orders which he proposed to submit to the House in aid of the Bill. The subject was of an extremely dry and complicated nature, and he had endeavoured as closely as possible to confine himself, in the observations which he had made, to the provisions of the Bill, and not to introduce extraneous matter, which certainly would not tend to render the subject clearer. The noble Earl concluded with moving the first reading of the Bill.

Lord PORTMAN asked why the decision of the company was to be required on the third instead of the second reading, or other stage of a Railway Bill?

The Earl of DALHOUSIE replied, that if they required it at an earlier period, and said that no Bill should go on its stages until the consent of scripholders had been obtained, it would create such a delay that it would appear to be an underhand way of saying that there should be no legislation on railways this year.

Lord BROUGHAM said, that the part which he had always taken in the consideration of this very important subject—the manner of transacting the private business, so greatly increased as it had been in both Houses of Parliament by the railroads which had been promoted in this Session and the last—would naturally suggest to their Lordships that he had attended, with the greatest possible interest, to the very candid, full, and luminous statement of his noble Friend at the head of the Board of Trade. That he should be able at once to state whether he approved of the whole of the principles and the details of this extensive and comprehensive measure, was certainly out of question. He must have more time to deliberate upon it, to examine and compare its different details, before he should make up his mind distinctly to say that he would give his assent to it. He should be most ready and anxious to give it the best consideration in his power; and, as he was at present advised, he could see no objection whatever to the general fairness of either of the means, the legislative plan, or the Order, the Parliamentary plan, suggested by his noble Friend. He felt the greatest possible satisfaction in considering that we had at length reached the point when we might hope to see an end of the railway mania, of the gambling disease and fever of speculation which had, for the last two years done so little credit to the character of the country, and been productive of so great mischief to its best interests, and among those best and highest interests; he feared he must enumerate the morals of the people. In this point of view, he had always regarded with the greatest alarm, and to a certain degree with disgust, the scenes which, day after day, had been exhibised to his view, not only among the upper classes of society, though they had been largely tainted with the mischief, but extending to the middle classes, and, he feared he must add, to the humbler classes of the people of this country. In quarters where gambling had been heretofore unknown, in quarters where that vice of their betters had never appeared to taint their character, he was sorry to say that, for the last two years, that most pernicious and detestable practice—the enemy of all prudence and economy, the foe of all foresight and discretion in the management of private affairs, and the great corrupter of the human heart—the practice of trusting

to chance, instead of exertion, and labour, and honest industry—had been at work even among the humbler classes of life. He had stated on various occasions lamentable instances of the havoc which it had made in the circumstances, as well as, he feared, in the morals, of persons very much raised above the humbler classes. He had stated instances of poor clergymen, of maiden ladies of small means, of widows of small jointures, who, in the hope of obtaining suddenly a great accession of fortune, had given themselves up to, and become attacked by the venom of railway gambling. It was lamentable to think that the mischief which had arisen from hence could not terminate with the disease itself; and these parties were now suffering, smarting most severely in their fortunes, in their comforts, many of them exiled from their native country, through their inability to pay the calls, and to answer the liabilities they had so heedlessly contracted. To a great degree this measure would prevent the mischief from proceeding further. Great relief would be administered by the Bill, and by the Order of his noble Friend, to that class of the sufferers; and he would fain hope that the mere promulgation of its provisions, the mere statement now made, and the general acceptation which that statement had received in that House, and which he hoped it would receive elsewhere, would have the desired effect, even before the proposed draft should be reduced to the form of a Bill (and in this he feared he must agree with his noble Friend again), long, long before it should pass into a law. He heartily agreed in one observation of his noble Friend, that, though this House might pass over all else, a great delay would inevitably take place before it passed, if it ever passed. Their Lordships' House was admirably adapted, not only for legislative discussion, but for action—for doing business; but he feared that adaptation was not paralleled in other places. He feared there were some railroad bodies, which were excellent for debate, full of discussion—which could debate for twelve days, one after another, without intermission—which could make speeches by the score, and obtain attention by the hour, but where, nevertheless, there seemed an utter and absolute incapacity to get through business, to do anything, or to bring anything to a close, owing entirely, he supposed, to the bad constitution of those railway communities—or, he might call them, House of Railways. [The Duke of Richmond: It is the fault of the directors.] He denied this; it was the fault of the body at large. That House of Railways, owing, no doubt, to some faulty construction, could debate for ever, and discuss without end, and argue without intermission; but, as for ever coming to any conclusion, that seemed to be out of the question. He therefore quite agreed with his noble Friend that it would be a long while before the Bill would become an Act; but he hoped most devoutly that the bare promulgation of the plan would have the effect sought to be produced—that their Lordships would all be disposed to give it their ready acceptance—and that they would strongly feel the propriety of putting a stop to this, so much so that they would even strain a point, and go beyond former precedent, to obtain so great a good; and the proposal of the measure would not then be without its effect. With respect to the Order, he was of opinion that it was going beyond precedent; for undoubtedly it would have the effect of tying up the hands of the House for the future. They pledged themselves by this Order not to read a Bill a third time—though all the Standing Orders were framed upon the assumption that it was not very usual for a mere Standing Order to affect a measure which had come to be ripened, and was ready for a third reading—yet, by this Order, the House would, in effect, say that no consideration whatever should induce them to give the measure its final step, by reading it a third time, unless something should be done out of the House, and by parties over whom they had no control, and with whom they had, in fact, no communion. He should be sorry were this Standing Order to be adopted without much consideration; it required great deliberation; but he, for one, was very much disposed to strain a point, in order to gain so very great a good; for he was perfectly persuaded that the Bill itself, though passed into a law, would not be effectual without some such order as that which his noble Friend had sketched out. And if he were called on to state which of the two measures he should view with the most hope of effect, he rather inclined to prefer the Order—though he did not see why he should be put to his election, for he saw no reason why they should not have both. But, in his opinion, the Order would certainly be the most efficacious; and, at all events, it had this very great convenience about it—the House was pretty sure of getting through the one, but they

were not sure that the other would be obtained in any reasonable time. Looking back on what had been done in the last year or two, he could certainly have wished that these things had taken another course. It was very much to be desired, that with reference to all these matters of private legislation, including railways, canals, and all private Bills—he did not say they should be referred to another tribunal; nothing of that sort had entered his imagination; but, that Parliament should make such arrangements as would secure the private business being efficiently, properly, and cheaply done, and in a reasonable time; so as to avoid the enormous, the endless delay, and the great anxiety attending the present system, and to avoid that inefficient and unsatisfactory manner in which, of necessity, and without imputing blame to any one whatever, but of necessity, as the Committees of both Houses of Parliament were at present constituted, but much more the Committees of the other House—they had been obliged to carry on that important branch of their inquiries. Looking at the enormous amount of private business—considering that, in the present Session, in one department alone, railways, there were 519 Bills before Parliament, and reflecting that those Bills were of the most transcendental nature, that they gave power to interfere with every man's private property, to tear down woods, to grub up plantations, to overthrow houses, to drive roads through a man's pleasure grounds, to make a person's estate utterly worthless, or utterly incapable of being inhabited by himself and his family, where they might have lived for ages; considering that the very principle of these Bills was to compel people to part with their property whether they would or not, and not at a price fixed by themselves, though that would be bad enough; considering that this was the nature of their private legislation, of all the objects for which their legislative functions could be used, it was the one that most required to be dealt with by a tribunal of a totally different kind from the Committees of both Houses. This difficulty was one which he had long felt, and he regretted that previous steps had not been taken for ensuring a better mode of managing the private business. The manner in which his noble Friend (the Earl of Dalhousie) had laid this proposition before the House, was deserving of the utmost possible commendation; all their Lordships must have gone along with him in the very clear and candid, the perfectly unadorned and yet fitting statement which he had made. He (Lord Brougham) felt thankful to the Government for having now brought forward so important, useful, and necessary a measure.

The Earl of WICKLOW agreed with the noble Lord that the Bill could not be expected to pass for some time; therefore it was most desirable to adopt the Resolution. He rose, however, to call the attention of the noble Lord who had introduced the Bill and the Sessional Order, upon the very different effect they would have upon Bills coming up from the other House of Parliament, and Bills which originated in their Lordships' House. The one would have already incurred all the expense of passing the Bill, while the other would have to guess at that expense. It therefore became desirable that some consideration should be given to that practice.

The Earl of EGLINTON had as great a horror of the railway mania as his noble and learned Friend; but he thought they should have reason to hope that the energies of the country would not be affected to such an extent as to prevent railways being made for the future. There was one point in the Bill which he thought should be rejected as unjust. The noble Lord who introduced the Bill stated, that it was intended that three-fifths of those attending the meeting should sanction the proposition for going on with the company; but then, they must observe, that the meeting was to be composed of the holders of one-third of the shares. They empowered little more than one-fifth of the meeting to prevent their going on with the Bill: they, therefore, gave to a small minority a power of counteracting the wishes of a large majority. He wished also to know how the determination as to the termination of the company by the shareholders present should be taken.

The Marquess of CLANRICARDE said, he had no objection to the Bill, as explained by the noble Earl. He thought it a good measure by itself, and if it extended only to England; he objected to it so far as it extended to Ireland as well as Scotland. Three years ago he had said that the present system of regulating railways was perfectly absurd, and at variance with the great interests of the country. He thought that the Government were right to interfere; but he thought they ought to interfere in a manner entirely different from what they were now doing.

Let their Lordships consider what they were doing. They were endeavouring to put a check and stop to the railroad mania, and in such a step they were fully justified. But what was this railway mania? It was a subject connected with the best interests of the country; and when they endeavoured to put a stop to what was called the railway mania—and on this point he thought the observations of his noble and learned Friend and the noble Earl were most just—they should do nothing to deprive the country of the great means of communication. He had been examined before a Railroad Committee, and while waiting there had heard the evidence of a military officer of high rank, pointing out the importance of railroads for the defence of the country, as well against a foreign foe as for putting down domestic disturbances. In such a state of things was it satisfactory that it should be left to the Stock Exchange market or to a company of individuals what lines of railroad should be taken up? He had always entertained a strong feeling on the subject, and he had always thought that the Government should take a much more active part than had hitherto been the case. By the propositions before Parliament large liabilities were proposed to be incurred, which would tend to injure the resources and cramp the trade of the country; but if the superabundant capital of the country were directed into sound and useful channels, it would benefit, instead of impoverish the country. As a check to the railway mania he could not object to the measure, for he conceived it was required by the extent to which it had run. There was still, he thought, time for the Government of the country to acquire some control, by taking them into their own hands, and to point out the channels in which railway concerns were necessary and desirable; and with such encouragement and control, there was no doubt that superabundant capital would be found without affecting unfavourably the resources of the country, and by that means such works would be completed as were desirable—such, for instance, as would ensure the security of the country from foreign enemies, and lead to the improvement of the internal resources of the country. In that way good would be done, to which there would be no reverses, and with reference to which there would be no such subjects of complaint as had been referred to. As regarded Ireland, there certainly ought to be some change in the manner of dealing with the Bills for railroads in that country. The Government should undertake to point out the channels in which railway communication was necessary and desirable, and to which, with such management and under such control, the superabundant capital of the country would be directed, without any injury to other enterprises equally necessary, or to trade and commerce. They would then secure a benefit such as all would appreciate; they would obtain security from foreign invasion; they would open up and improve internal resources; and, in that way, a good would be done to which there could be no reverse, and from which could follow no evil. He desired to know from the noble Earl (Earl of Dalhousie) whether, by this Bill, in the case of Irish railways, a stop would be put to them in the same way as to English Railway Bills.

The Earl of ROSEBERY thought, from the speeches of his noble Friends who had previously addressed the House, that there was some misconception on their part with respect to what the Sessional Order meant. He apprehended that his noble Friend (Lord Dalhousie) did not mean that this Sessional Order should be a Standing Order, on which Parliament would proceed in future years, but merely an Order on which Parliament would proceed with regard to railways during the remainder of the Session. From what fell from his noble Friends, he did not think they understood the meaning of his noble Friend the President of the Board of Trade on that point, and it would be well to know to what extent the Sessional Order would go.

Lord ASHBURTON conceived it to be useless now, to be considering what might have been done some time ago. The real question for the House was, what, in the very awkward and peculiar position in which they found themselves, was the wisest course to take at present. He must say, always reserving to himself the privilege of considering the particular details of the Bill, that the proposition which had been made appeared to be the best means of relieving them from the difficulty in which they stood. First of all it would relieve them from an immense mass of business; and in the next place it would relieve them from the immense demand upon the capital of the country, which paralysed and stood in the way of its legitimate commerce. It would also afford those who wished to get out of those undertakings

into which they had improvidently entered, the best means of doing so. He had himself, in the Committee called the Railway Committee, appointed early in the Session, pressed upon their attention the necessity of taking some decided, some unusual step suited to unusual circumstances, to obviate the inevitable effects of the railway system as it had recently existed. He had then and always been of opinion that the enormous railway business proposed to be carried on was altogether incompatible with the means of the country—with the means of any country—and he might even say that the united resources of all Europe would have failed to ensure success to the mass of adventure which in a few months had originated in Great Britain. They had undertaken what they could not, by any possibility, accomplish, and the result was now before them. Undoubtedly, as the noble Lord (Marquess of Clanricarde) had said, there were many pressing reasons why every facility should be given to the passing of the Railway Bills connected with Ireland; but he (Lord Ashburton) was inclined to think that the projects in that country had very greatly exceeded the available capital, and that the effect was to clog every other species of enterprise from which a benefit to the people of Ireland could be derived. He thought that, generally, it was unwise in these matters to interfere with or to prevent individual speculation; but he certainly agreed in the observation made, that an advantage would be experienced from the classifying of the different Irish projects, with a view of deciding upon which was more or less pressing, which more or less desirable, to meet the exigency in Ireland, and, by giving employment to the population, alleviate the wide-spread distress. They would, thus classifying those Bills, take as the first class the lines which were important as giving facilities to the removal and conveyance of troops, and to such lines they would be called upon to give a preference; the class next in importance would be the lines intended to fill up gaps in already existing railroads, and to complete some certain line of communication; and the third class would be those lines, the consideration of which could, with advantage to the public, be postponed over the present Session.

Lord CAMPBELL expressed his approval of the measure proposed by Her Majesty's Government; and his principal reason for giving it his support was, that while it instituted a salutary check upon excessive and ill-directed speculation, it still left everything to individual judgment and enterprise. With great deference to his noble Friend who had lately addressed the House, he (Lord Campbell) thought it was much better that the Government and the Legislature had not sooner interposed. The railway system had been carried on, upon the whole, in this country, he believed, very advantageously, and much more advantageously than if the Government, in the first instance, had assumed to itself the power of saying what lines should be preferred, and, as in France and in other countries on the Continent, had taken everything into its own hands. But, now, the natural cure for excessive speculation was taking place; the evil was felt, and now brought this remedy with it, and the Government very properly left it to the individuals themselves to say whether they would go on, or whether they would recede; they had it now in their power to change their minds—a *locus pœnitentiæ* was given to them—and that he thought was a salutary cure. The noble Lord (Lord Dalhousie) had stated the case with much perspicuity; but there was one point to which he (Lord Campbell) wished to call his attention, and it was this—whether any, and what provision was made by this Bill for the indemnity of those who were liable to creditors of railway companies. He stated that the liabilities of such individuals would not be at all affected, and of course it would be very unjust to deprive them of the means of indemnity. It must be considered that those individuals who were now liable would be deprived of the means of indemnity which they would possess if the company were to proceed and be incorporated, and entitled to require calls to be made, and to have large funds in their hands. Suppose an individual was liable to a solicitor, or to a surveyor, for business done for the company to a very large amount; at present, if an action were brought against him, he would be individually liable for the amount, but he would have an indemnity against the funds of the company; but if they put an end to the company, and the funds were dispersed, then the individual who had so become liable had no indemnity. He hoped, before the close of this conversation, the noble Lord would state in what situation a person would be who had made himself liable to the creditors of a company, and was deprived of the indemnity which he at present enjoyed.

Lord WHARNCLIFFE thought it premature to discuss, at present, the provisions of the Bill brought before their Lordships; but he would make one observation on the subject of the Order. To put an end to any of those railway companies, it was proposed that the parties interested should be empowered to call a meeting, at which there should not be less than one-third of the capital of the company represented; and three-fifths of that one-third part should have the power of signing a certificate that shall decide the fate of the company. The result of that arrangement was this—that in any case in which the parties could obtain the sanction of one-third—that is, 3-15ths of the proposed capital of the whole undertaking—the 3-15ths will have the power of deciding the interests of the remaining 12-15ths. Now, it appeared to him (Lord Wharncliffe), looking at that superficially, and at first sight, that that was too small a proportion. He thought, if it were made something higher, they would be more likely to obtain the real sentiments of the substantial body of the shareholders, than by putting it at so low a point; because, what they had to dread from this proceeding was, that some fictitious, some intriguing attempts would be made to get together the fallacious appearance of a meeting, as if of the entire capitalists, and so dispose of the concern one way or the other.

The Earl of DALHOUSIE replied to the several questions which had been put to him. He would first address himself to the observation made by the noble Lord (Lord Wharncliffe) sitting near him, that the proportion of shareholders to decide upon the withdrawal or prosecution of any given project was too small, and was likely to open a door to jobbing and to dishonest means of obtaining either of these results. But he begged to remind his noble Friend, that although three-fifteenths—that is, one-fifth—was a very small number, it was the *minimum*, and it by no means followed, that one-fifth only would in each case be the majority. When the noble Lord, therefore, came to consider the matter in that light—when he remembered that one-third of the entire capital was called upon to be represented at the meeting at which the decisive step was to be adopted, he would see that they were about to enforce a very stringent regulation. In the already existing great lines, in the London and Birmingham, or in the Great Western, with their capitals of 5,000,000*l.* or 7,000,000*l.*, it would require, even for a number of branch lines, considerable exertion on their part to obtain the necessary assent of their shareholders. Incorporated companies, no doubt, possessed a great advantage over those other companies which were as yet only inchoate. The old companies had all their machinery ready at any moment to be worked; they knew where to put their hands upon their shareholders; and this of course was a facility which would put them in a very superior position, as compared with the companies unincorporated—the scripholders in which were scattered all over the world, and beyond the easy access of the promoters. The test of obtaining the expression of opinion from such a body, so situated, was consequently most severe, and would assuredly answer the end in view—of arriving at the feeling entertained by the majority of those interested in railway projects. It had been said also, that it was too much granted to allow two-fifths to prevent the progress of a Bill; but he thought that, under the existing circumstances, looking to the immense amount of capital for which they were even already liable—looking to the consequences which would result from the addition expected to be made to it—and aware of the notorious fact that many of those Bills were forced on against the sense of the proprietary—if a company could not obtain a meeting of one-third of the shareholders; if they could not produce to Parliament an opinion from three-fifths of those that the concern was a good concern, then Parliament might be assured, in the absence of such a statement, that it was not a good concern, and that, at all events, it might safely be postponed. And if such a postponement did take place, the concern was not extinguished; the worth of the project, at a future period, could again be tested. In the case of a good Bill, such an expression of opinion would be obtained; in the case of a bad Bill it would not be attained; and in the case of a doubtful Bill, if there were a doubt at all, Parliament, under the circumstances, ought to throw that doubt into the negative, and postpone the consideration of such a Bill to an after period. The noble Lord (Earl of Rosebery) was right in supposing that the Sessional Order submitted to their Lordships did not mean a Standing Order; it was merely a Sessional Order—of an extraordinary character, he (the Earl of Dalhousie) would admit, but in-

tended solely to apply to the extraordinary circumstances of the present time, and to expire at the end of the Session. Then, as to what had been said relative to Irish Railway Bills, it would be in the recollection of those of their Lordships who sat on the Committee appointed at the commencement of the Session, that an earnest desire had been expressed by the Government that every possible justice and facility should be given to the consideration of those Bills that had for an object the construction of railroads in Ireland. But the noble Marquess could not expect that the Bills proposed for Ireland should be altogether exempted; in fact, it was known that there was more alarm in Ireland, lest too many Bills should pass, than could possibly arise because certain Bills should not receive the sanction of Parliament. It had been agreed that the Irish Bills should be originated in that House; and some of those Bills stood over from before the recess for their reading. Now they intended that they should get their third reading in that House, and would fall under the operation of the Sessional Order in the next House; and on the 27th he should be prepared to move the third reading of those Irish Bills that stood over. With respect to the question of the noble Lord (Lord Campbell), whether the Bill would make any alteration in the liabilities of parties at present liable for debts incurred by the company, he begged to explain that such was not the case. The liabilities would remain exactly as they were: the rights of parties would not be affected by the winding up.

LORD CAMPBELL: The liabilities will remain, but the indemnity would be gone.

The EARL of DALHOUSIE understood that by this Bill the person who was liable would have his remedy. He might make good the demands upon him out of the funds in the first instance; and if the funds were insufficient, he would have his resource against such parties as now were liable.

Bill was read 1ª. Sessional Order to be taken into consideration on Monday.

House adjourned.

HOUSE OF COMMONS,

Thursday, April 23, 1846.

MINUTES.] PUBLIC BILLS.—1°· Corresponding Societies and Lecture Rooms; Exchequer Bills (£18,380,200).

3°· and passed. Coal Whippers (Port of London).

PETITIONS PRESENTED. By several hon. Members, from various places, for Better Observance of the Lord's Day. —By Mr. William Miles, from Members of the Shepton Mallet Church of England Lay Association, for Encouragement to Church Education Society.—By Mr. Williams, from Secular Clergymen and Laymen of the Town of Coventry and its Vicinity, in favour of the Roman Catholic Relief Bill.—By Mr. Fellowes, and Sir Stephen Glynne, from Huntingdon, Hartismere, Morton, and Trenddyn, against the Union of St. Asaph and Bangor Dioceses.—By Sir Robert Harry Inglis, from the Presbytery of Jedburgh, against the Abolition of Tests in the Scotch Universities.—By Mr. William Miles, from Inhabitants of the Strabane Union, against the Corn Importation Bill.—By Mr. Gibson Craig, from Bankers, Commercial and Manufacturing Inhabitants of the Royal Burgh of Kirkcaldy, in favour of the proposed Measure respecting Customs and Corn Importation.—By Sir James Graham, from Guardians of the Poor of St. German's and Docking Unions, for Rating Owners in lieu of Occupiers of Tenements.—By Mr. Milner Gibson, and Viscount Sandon, from several places, for Alteration of Duties on Tea.—By Mr. Dennistoun, from John Shanks, Machinist, for Alteration of Law of Blasphemy.—By Mr. Divett, from Exeter, respecting Employment and Reformation of Discharged Prisoners.—By Sir George Strickland, from a number of places, for Limiting the Hours of Labour in Factories to Ten. —By Sir De Lacy Evans, from Robert Clark and others, in favour of the Friendly Societies Bill.—By Mr. Alderman Thompson, from several places in Westmoreland, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. O'Connell, from Physicians and Surgeons of Cork, and by Colonel Verner, from Lurgan, for Better Regulation of the Medical Profession (Ireland). —By Sir James Graham, from John Scannell, of the City of Limerick, suggesting Measures for Poor Relief (Ireland). —By Sir James Graham, from several places, against the Poor Removal Bill.—By Mr. Vivian, from Swansea, against Salmon Fisheries Bill.

RAILWAY BILLS.

SIR R. PEEL then rose and spoke as follows: I gave notice two days since that I should feel it to be my duty to call the attention of the House to the state of railway business which is now pending and waiting for the decision of Parliament. No one can be more impressed, Sir, than I am, under all ordinary circumstances, with the importance of adhering to the great principle of permitting in this commercial country the free application of individual enterprise and capital; and although I certainly must contend that there is a distinction between the ordinary application of capital to commercial enterprise, under existing law, and the demands made upon Parliament to give to inchoate companies large powers of taking possession of the property of others, and establishing, as I fear is the case in many instances, a qualified monopoly, yet that general principle is so valuable, that even with respect to that species of commercial enterprise which seeks to be invested with the authority of Parliament, I should be unwilling, under all ordinary circumstances, to interfere. I should think it the better rule to assume that individuals are the best judges of the mode in which their capital can be profitably employed; and as the usage has been for Parliament to grant certain persons certain powers, where there

is no strong opposition on the part of the landowners whose property is to be applied to the use of the railway company, or where no competing lines urge strong reasons why the line seeking for the sanction of Parliament should not pass—I say, even with respect to that kind of commercial speculation and enterprise, I should have been desirous, under ordinary circumstances, of adhering to the rule on which Parliament has usually acted. But, at the same time, where there is a risk of great public inconvenience, I do think that Parliament is perfectly entitled to depart from those principles which, under ordinary circumstances, would guide it; and the question now is, whether there be not, at the present moment, a case which justifies Parliament in adopting some new precautions, in order that the capital of the country may not be needlessly applied to railway speculations, from which no great public benefit is to be derived, thus fettering and embarrassing all other commercial engagements and commercial enterprise, and possibly sacrificing the interests of those persons who may, under a different state of things, have unadvisedly lent themselves to those speculations; and I conceive it will be necessary, in order to justify any interference—even interference to that qualified and limited extent which I propose—and in order that that interference may not be lightly drawn into a precedent, for me fully to state the circumstances which impose upon me, as the organ of the Government, the duty of calling the attention of the House to this matter. In the first place, I wish to put the House in possession of the amount of capital which is already pledged by Act of Parliament to railway speculations, and also the amount of capital which, by the very Bills now pending—I speak of the Bills of the present year—will be required, in order to carry out the projects contemplated in those Bills. I find that in 1844 the number of railway projects which received the sanction of the Legislature was 37; that the capital authorized to be raised by those Acts amounted to 13,981,000*l.*; that the amount of loan capital, as distinguished from share capital, authorized to be raised, amounts to 4,006,000*l.*, being a total amount of share and loan capital authorized to be raised by the Bills passed in 1844 of 17,987,000*l.* Then I find in 1845 the number of Railway Bills passed was 118; and the share capital authorized to be raised by those Acts amounts to not less than 45,849,000*l.*, whilst the amount authorized to be raised by loan, in addition to the share capital, is 14,635,000*l.*, making the total amount of capital authorized to be raised by the Acts of 1845, and applicable to railway enterprise, of 60,484,000*l.* I have called for a Return of the number of Railway Bills which, on the 11th of April last, were under the consideration of this and the other House of Parliament, and I find that the number of English Bills amounts to 369; of Scotch Bills, 107; and of Irish, 43—making a total of 519 Bills, which, so far as the public records can be relied on, are Bills in respect to which the decision of Parliament must be given. I find by the English Bills that capital to the amount of 184,700,000*l.* would be raised, supposing all those Bills received the sanction of Parliament, and that in addition, under the same Bills, loans to the amount of 58,000,000*l.* might be raised. By the Scotch Bills, capital stock to the amount of 28,500,000*l.* might be raised, and loans to the amount of 9,500,000*l.*; whilst by the Irish Bills, 18,104,000*l.* capital stock could be constituted, and loans to the amount of upwards of 5,000,000*l.* would be sanctioned, making a total of capital stock authorized to be raised by the Bills for England, Scotland, and Ireland, respectively, of 231,302,000*l.*, and of capital to be raised by loans of 72,781,000*l.*, being a total of capital authorized to be raised by Bills pending in this Session, independently of the unpaid capital of the Acts sanctioned by Parliament in 1844 and 1845, of 304,000,000*l.* I know it would be quite illusory to rely upon that as the amount of capital which would be actually required. Many of these Bills are for competing railways, and many are Bills the passing of which would be quite unnecessary for the public interests; and therefore, although I state 304,000,000*l.* to be the total amount of capital which, if all these Bills were sanctioned, would be authorized to be raised, yet a very great deduction must be made for many of them which Parliament would reject, and many of them would not be carried on; but still, make what deduction you will, the total amount of capital, were there no interference at all on the part of Parliament—if we were entirely passive—that will be sanctioned in the present Session, will be much greater than that which I think it would be for the public interests ought to be raised for railway speculations. Now, I am afraid the same rigid inquiries cannot be made by

the Committees now as when there is a full opportunity for such inquiries. There is a kind of despair prevailing among them; and I fear that towards the latter end of the Session Bills might pass, which under ordinary circumstances might not receive the assent of Parliament. I am sure that might be the case. Now, I must first state what is the amount of capital not paid up, which has been authorized to be raised under the Bills that have already received the sanction of Parliament. In respect to Acts that passed before the year 1844, there is a sum of 20,867,000*l.* not yet called for. Again, that must not be taken as the amount of capital authorized to be raised, likely to be called for, because in many of those cases money has been raised by loans on the security of outstanding shares, instead of calling for payment upon shares. What is the amount raised by loans, instead of calls upon shares, I cannot say. I can only state the fact; and the unpaid capital connected with railways that received the sanction of Parliament before 1844, amounts to 20,000,000*l.*, supposing that no loans were raised on the security of the outstanding shares for the purpose of completing the lines. With respect to the Acts passed in 1844, the amount of capital stock still unpaid is 5,219,000*l.* In respect to Acts that passed in 1845, being 118 in number, there remains of capital stock, shares authorized to be issued, stock still to be paid, amounting very nearly to 28,000,000*l.*; it is 27,950,009*l.* And, therefore, putting aside all the Bills passed before 1844, there remains of capital stock to be paid up under the Acts sanctioned in 1844 and 1845 an amount of 33,242,000*l.*; and, of course, there is to be added to that capital, the amount of capital stock, whatever that amount may be, to be raised under the Bills that may be sanctioned this Session. Now, with regard to this application of capital—greater, I cannot but think, for one particular species of enterprise, than is for the public interests—though I do not propose to throw any obstacle, any arbitrary selection by the Government, in the way of that application; I wish to call the attention of the House to this—may we not safely take the opinions of the parties who have entered into these speculations as a guide by which we shall determine whether or not these speculations shall continue, or whether we shall give our sanction, by Act of Parliament, to these schemes? As a reason for doing this—for calling for the intervention of Parliament after mature consideration, I will first state that there has been a great change of circumstances since many of those parties committed themselves to their engagements. In the first place, I take an authority on which, I believe, this House, or a Committee of this House, is acting, in coming to a decision upon a Bill brought before them. I understand that when Mr. Brunel, a gentleman whose name must be familiar to the House from his great ability and experience, and from the great acuteness he has always exhibited whenever I have heard him give his opinion upon railway matters, upon being examined by the London and Oxford Railway Committee, gave this evidence :—

"The prices have so increased since Acts were obtained, that the lines mentioned above the Oxford and Worcester, and the Oxford and Rugby, cannot be constructed at the estimated price."

And he considered that the construction of the railway would be 50 per cent more than at that time last year. Then it is stated, that—

"At that point of the proceedings the chairman said the Committee thought it unnecessary to hear any more evidence respecting the Oxford and Worcester Railway; and, after the room had been cleared a few minutes, the chairman stated that the Committee considered that the preamble of the Bill (the London and Oxford) was not proved."

Now, if there be so material an increase in the cost of all articles necessary in the construction of railways—such as iron, labour, &c., of course the estimates for making these railways must be increased, and the actual cost must be greatly increased; whilst the prospect of profits must be in a proportionate degree diminished; and that circumstance alone—I do not say precisely—might justify the House in giving to those parties the opportunity of saying whether or no, upon a fresh consideration of their estimates and prospect of eventual gain, they still wish to call on Parliament to pass the Bill for any particular railway. I find it also stated in the same paper to which I referred for Mr. Brunel's evidence, in a copy of an advertisement of the London and York Railway, that this increase in the cost of many articles necessary in the construction of railways has produced such an effect in respect to many railway schemes that they have been abandoned. I have here a list of several railways, with the amounts paid for premiums per share in 1845, before the Bill was obtained; and the discount per share in 1846, when the calls were

being made; and I think from the mature consideration of some of these cases, where Acts have been actually obtained, and where, in consequence of this increased cost or increased competition, there has been a very material difference between the sum paid as a premium when everything appeared prosperous before the Bill was obtained, and that which can now be realized by the unfortunate persons who purchased those shares—they might draw some most useful conclusions. It is stated that in the case of the Caledonian Railway, 10*l.* per share was paid up; that the premium in 1845, before the Bill was obtained, was 12*l.* per share; and that the discount now per share is 3*l.* 6*s.* There are several other railways mentioned in this paper, but I will not trouble the House by reading them. They are published, and the names are given; but in every case it appears that there were considerable premiums paid on the shares before the Bills were obtained, but that those shares are now at a great discount. These are the cases of Bills that have already obtained the sanction of Parliament. With respect to the Bills now in progress through the Legislature, I apprehend the same observations will strictly apply; that there are many railways projected in October, 1845, in respect to which the sum now to be realized by the sale of shares differs most materially from that which was paid in October, 1845. And again, as I apprehend our object is not to encourage enterprises which are unprofitable to the parties who engage in them—that very fact is another reason why we should give the parties, under certain restrictions, and with due precautions, the opportunity of reconsidering their position, and apprising us of their present views with regard to the Bills in which they are interested. I have mentioned, therefore, three considerations which ought to have great weight with the House. First, the enormous amount of capital which, whatever deduction you may make from the number of Bills, must still be pledged by Parliament to railway enterprise in the course of the present Session, is one consideration why we should entertain some such plan as that which I am about to bring under the notice of the House; another reason is the increased cost of the articles used in the construction of railways; and a third is the difference between the present value of the shares in railways from that which they realized when they were first projected. I think I may mention as a fourth reason, that which I understand to be the case—namely, the willingness and even the anxious desire of many parties to relieve themselves from those engagements, and to put an end to the projects in which they have embarked. I understand that, in respect of many undertakings, there is, on the part of those who are committed to the payment of the deposits and the expenses that must necessarily be incurred, a sincere desire to have the opportunity of releasing themselves from those engagements; and I must say that, in the present state of the law with respect to inchoate railway companies, I am not surprised at this. I think that the present state of the law with respect to inchoate companies ought not long to be continued. The liabilities of the parties are anything but well defined. The powers of the directors or provisional committees are very great; and, so far as I can judge, there is no very effectual control over the acts of those provisional committees. I have received a letter which I shall have no objection to show to any hon. Member. I should be sorry to quote any information of the kind which it communicates without giving up my authority; and therefore I shall, of course, be ready to show the original letter which I have received in respect to the proceedings of several of these committees. And if the statements contained in this letter are correct, there are proceedings on the part of those who are intrusted with the management of their affairs by innocent and helpless subscribers, which I think do require some permanent Parliamentary regulations. I shall not give the names of the companies, though the names of the companies are given in the letter addressed to me. The party who addresses it states that he is in a position to enable me to vouch for its truth. I cannot undertake to answer for the accuracy of the statements. All I can do is that which I think every body quoting information of this kind is bound to do—namely, give up the name of the party by whom the information has been communicated, and that I am prepared to do. This gentleman states in his letter, which I received yesterday—

"One of the greatest deceptions of the new companies has been the holding back of large portions of the shares"—(that is, the shares formed by the provisional committee, that committee inviting persons in all districts of the country to commit themselves as parties to companies hereafter to be established)—"One of the greatest deceptions of

the new companies has been the holding back of large portions of the shares, for the purpose of rigging the market, and pocketing premiums at the expense of the public. I will instance a few out of the countless number of the railway rigs that have been played. In the —— only 42,000 out of 50,000 shares, I understand, were issued, the other 8000 being kept back though the shares were at a high premium, and applications out of number for them. In——10,000 out of the 100,000 were reserved by the directors above the number paid on. —— had only 55,000 out of 100,000 shares issued, though the shares were also at 1½ to 2 premium. There are some facts connected with this line which I could not trust on paper. The —— reserved an enormous number of shares, notwithstanding hundreds of thousands more than the whole number of shares in the company were applied for. In the —— about one half of the shares were kept back, the market rigged to 6*l.* or 7*l.* premium, and then certain of the directors sold to their friends, as favours, shares at, I believe, 3*l.* or 4*l.* premium; a part of which premium they were compelled to give back on the breaking up of the company. But the last is the most extraordinary of all. In the —— several thousand pounds of the deposits were taken out of the bankers' hands to rig the market."

That is to say, the shareholders and scripholders in these schemes having paid 10*l.* per cent, there was a sum of 20,000*l.* paid into the bankers, and I am told that that money was taken out and invested in the purchase of shares wherever shares could be got; that, in consequence, the shares rose to very high prices, and then the reserved shares were sold in the market at higher prices—that higher price having been obtained in consequence of the application of the deposits, and the directors having pocketed the premium. I was told this day that a gentleman, and, to my surprise, a lawyer, applied to a certain committee for some shares; that he was told by the company all the shares were gone—there was not a share left; but upon further inquiry he ascertained that not a single share had been issued, and yet the answer universally returned was, that all the shares were bought up, and that was for the purpose of taking advantage of the impression on the part of the public that the shares were in such requisition, and then the shares were issued. I believe these proceedings have not been practised by any respectable companies; but that they have been very general I have no reason to doubt. I may be told that scripholders will not come forward to avail themselves of the provisions of the Bill; that a feeling of shame will deter many; and that these persons, having entered into certain speculations, will be afraid that their credit will be injured by coming forward in the manner I am about to describe. I hope that will not be the case. I hope that persons will not be influenced by such motives. But if persons will not avail themselves of the opportunity now given them by the Legislature, it cannot save them, for their names are pretty well known, I imagine, in their own neighbourhood, and they will not gain much. And if, when Parliament gives them the opportunity, they refuse from any such motive as I have described to accept it, they ought to be the objects of no sympathy from us. All we can do is to give them an opportunity of stating,—"In a moment of excitement I speculated to a greater extent than was prudent, and I shall be glad if Parliament will give me the opportunity of releasing myself from my engagements." And I think no false sense of shame should deter any persons from taking advantage of our present proposal, But if it should appear that provisional committees and directors traffic in shares in order to overpower the sense of shareholders, at the meetings proposed to be held, and if undue means be resorted to for the purpose of counteracting the intention of the House with respect to these Railway Bills, I don't believe that such parties will be exempt from Parliamentary inquiry. If these measures, as the foundation of our legislation upon inchoate companies, are by any such methods made unavailing, it will be the duty of Parliament to expose these transactions and lay them bare before the world as an example to parties inclined to speculate, and as a guide and a warning to them. Then, again, Sir, the law is in an unsatisfactory state in respect of such railway companies. Now, I believe, in respect of companies that have not got their Bill, that in nine out of ten of them the directors have not the power to dissolve the company. I believe the general principle of law to be this, not perhaps resting upon statute, but on common law—that if every party without exception does not agree thereto—that if all the scripholders are not unanimous—the company cannot be dissolved. But if the law requires unanimity, it is clear that unanimity in these cases is unattainable. In the first place, the original shareholders are not the present ones. There has been a transfer of scrip, and in any one case, if there is an interruption of the unanimity, it is impossible to dissolve the company. It may be that by some companies, in their original deeds, a power has been providently taken to dissolve; but I believe

that the power exists upon the original contract deed in the case of very few companies indeed. In the case of most the directors have undertaken to use their best efforts to procure the assent of Parliament to their Bill, and in many cases no limitation to the time for procuring that assent has been fixed. So that it does not at all follow that the rejection of a Bill in the present Session would enable the directors to dissolve the company, nor even would the continuous rejection of it for four or five years enable them to dissolve. If that be so—if there be no inherent power to dissolve, except in certain special cases, where the original deed provides for it—and if the power of the scripholders over those directors and provisional committees is so imperfect, is it not another strong reason for Parliament giving to those parties power to release themselves from those engagements? What we shall do hereafter is a question which is well deserving mature consideration. I only attempt to deal with the present and pressing emergency; and the measure which I shall have to propose on the part of the Government will be in reference only to present circumstances. But I do think the consideration of the law as applicable to railway companies is a subject well deserving the attention of the Legislature. There have been recent discussions in the courts of law on the matter; and the House will recollect what are the provisions which have received the sanction of Parliament with respect to the regulation of joint-stock companies, an Act having passed on the subject very recently—the 7th and 8th of the present Queen—with several useful provisions. That Act provides with respect to all joint-stock companies, railway companies included, that there shall be a provisional registration previous to any application being made by the company to Parliament. With respect to joint-stock companies which do not require the sanction of Parliament, that Act provides that there should be also a second and, as it is called, a complete registration; and after the complete registration and the requisite signatures being formally given, the companies may be constituted, and the directors have the power to act; but until this second act of complete registration is performed, the power of the directors is circumscribed within narrow limits. The regulation of the provisional registration applies to all companies; but it has been decided that the complete registration is not necessary in the case of railways, and of all those enterprises which require the sanction of Parliament, which latter stands in the place of complete registration, though that was, I believe, contemplated by the Act. This question has recently arisen, and has been decided by the Court of Exchequer. The question, which is a most important one, was whether or no a transfer of the shares of an inchoate railway company, in other words, the sale of scrip, was a valid transaction, to which legal effect could be given. The plaintiff brought an action for the recovery of a certain sum for the sale of the scrip of railway companies which had been provisionally registered. The allegation of the defendant was, that the 7th and 8th of Victoria included railway companies as well as other joint-stock companies, and in consequence that the sale of scrip was an illegal transaction; the railway company not having been completely registered. But it was decided by the Court of Exchequer—Sir Frederick Pollock giving the judgment—that the Act exempted railway companies from the necessity of completing the registration, and the plea was accordingly overruled. The legal effect of that judgment was to establish the principle that the sale of the scrip of railway companies which had not been completely registered was a legal transaction; and that parties suing on such a claim could recover. There have been some doubts raised in a court of equity about the strict state of the contract, which are adverse to that decision; but still we must at present assume that the sale of scrip is a perfectly valid transaction. Under these circumstances—in this state of the law with respect to railway matters—Her Majesty's Government feel it their duty, well knowing that it is a case of great difficulty, and believing it to be possible that the particular measure they propose may be open in some places to exception, and in others possibly to amendment; still they have felt it their duty, seeing the evil effects which such improvident speculation is producing upon the general state of mercantile affairs, and foreseeing the evil effects which may arise from an improvident sanction of those Bills brought into Parliament, to originate the proposition for interference which I submit to the House. I believe the present is the period when that proposition for interference is likely to be most favourably received. I doubt much whether it would have been so at an earlier period. I think the presumption in favour

generally of non-interference on the part of the Legislature with enterprises of private speculation would have prevailed against any proposition on the part of the Government at a period when the sense of present evil, and the prospect of greater, was less strong than at present. As I said before, we do not propose to throw any arbitrary obstacle in the way of the progress of measures; but we propose to consult the interests and wishes of the parties interested; and to ascertain whether the expression of those wishes may not in itself interpose a useful check against superfluous railway legislation. We propose to remedy the defect in the law with respect to the dissolution of companies; and we will immediately bring in a Bill to provide in the case of all inchoate railway companies provisionally registered, namely, of all companies whether they have presented a petition to Parliament, or made any progress with a Bill, or are suspending their proceedings—to provide, with respect to all such railway companies, without exception, that a power be given to the scripholders to dissolve the company under certain circumstances. We propose to proceed, first by a Bill, and next by the Sessional Order which I laid upon the Table on Tuesday night. The Bill will give the power of dissolution. We propose to enable a small number, say five scripholders, to address a requisition to the directors—I mean the managing committee of the company—a requisition to them to call a meeting of the scripholders. The committee are to announce their intention of holding a meeting in such a manner as to give all parties the opportunity of attending. I propose to make it obligatory upon the managing committee to call such meeting, and to give previously due notice thereof. If the managing committee refuse to call the meeting, there will be provisions to insure the holding of the meeting. Then, in case there shall attend that meeting a certain number of scripholders—either the original scripholders or the present scripholders—if the persons attending that meeting, or voting by proxy, represent more than half the shares originally issued, that majority may at once determine not to go on. But as there may be a difficulty in having a meeting representing more than half of the capital stock of the company, we propose that a meeting of the shareholders representing one-third of the capital stock of the company, may resolve upon a dissolution, provided three-fifths of the persons present, or voting by proxy, signify their desire to dissolve the company. We take security for the meeting not being packed, by requiring that the capital represented should not be less than two-thirds of the entire stock of the company. At the meeting, if the capital represented shall not amount to one-third, nothing can be resolved upon. But we propose that there should then be an adjournment to another day after due notice; and that if at such second meeting the amount of additional capital represented shall, when added to that at the first meeting, make together three-fifths of the one-third prescribed, then we recognise that as the amount required by the Act. In order to prevent the application of reserved shares from being used unduly to influence the decisions of these meetings, we propose that the scrip represented at the meeting shall have been issued before the 31st of March in the present year. With respect to the scrip which may have been purchased since, as there is no record of the period when it was made, there is no power of dealing with that: the only security we can take is that the scrip in respect to which the right of voting accrues, shall be scrip which has been issued before the attention of Parliament was called to the subject. Ancillary to that Bill will be the Sessional Order; and, I believe, some resolution of the sort by the House of Commons to be absolutely necessary; because it is impossible not to be aware that some time must elapse before the passing of the Bill. Unless, therefore, the House adopts some resolutions on the subject of its assent to Bills, some companies, which I am sure are not specimens of the general mass of companies, may, by their directors, press their Bills unduly on the consideration of Parliament. It is the manifest interest of some parties to carry on their schemes; for, by the passing of the Bill, they are relieved from a responsibility which rests upon them while it is inchoate. I believe there are many instances in which, if a Bill were passed into law, one of the first results would be to dissolve the company; but it appears to me to be unwise, if that is to be the result, to subject parties to the expense of all those preliminary proceedings; and it would be much better to give facilities at first to effect that dissolution which would be the consequence of the passing of the Bill. I propose, therefore, that the House of Commons should resolve that it will not give a third reading to any Bill, unless a certifi-

cate be sent in that there has been a meeting of the company, and that, at that meeting, a certain number of shareholders, possessing a certain amount of the capital stock of the company, declared their continued assent to the Bill, and their desire that it should pass. Instead of detailing more at large this Resolution in a speech, I have laid it upon the Table; and I trust the House is sufficiently acquainted with the general tenor of it to render further explanation unnecessary. I believe that many Bills, especially such as are most liable to objection, and by which, if passed, the least of public benefit would be attained, are entirely unopposed, and they might be incautiously passed from that very circumstance. Our legislation would therefore be incomplete, unless we were to lay down some rule upon the subject. But, independently of that consideration, looking at the amount of capital, at the understood willingness of many to release themselves from their obligations, and at the public benefit likely to result from the course I recommend, I think ample ground exists for the Resolution. One single proof, perhaps the most striking that could be adduced, I may be allowed to offer. There is, within twenty-five miles of this place, a valley through which it is proposed that eleven different railways shall pass; there are eleven different registered provisional companies for the purpose of executing those lines; it is almost impossible that Parliament could assent to more than one line passing through the valley; and in consequence of the present state of the law, there will be remaining ten railway companies, constituted for an impracticable purpose, with respect to which there exists no power of dissolution. That fact alone calls for some immediate remedy in favour of giving a power to parties to dissolve their companies. That legislative power would necessarily be incomplete, unless we resolve to have that additional evidence of the desire of the parties to proceed with their Bill which would be afforded by a meeting of the shareholders. I again say, that I am most deeply sensible of the great importance and difficulty of the subject; but I thought it infinitely better, instead of again proposing a Committee, to make on the part of Government a distinct and definite proposition. I have done so with a full knowledge of the inconvenience that might result from non-intervention, and with a strong conviction that the intervention I propose is perfectly legitimate. It establishes no dangerous principle of interference with the application of private capital, and, on the whole, if assented to by the House, it is likely to release for other enterprises a vast amount of money now locked up, and the want of which is paralysing all commercial transactions. To persevere in many of these schemes would only lead to unprofitable expenditure—to the payment of engineers, of solicitors, and of witnesses, in cases which would not finally receive the sanction of Parliament; the Bills must be submitted to the consideration of the House, whatever might be its decision. I am satisfied, and I trust the House will be satisfied also, that Her Majesty's Government have done their duty in thinking that no further time ought to be lost in bringing this important matter before the House. I, therefore, beg leave to move the first Resolution.

The following is the whole series of Resolutions as they were moved by the right hon. Baronet, and assented to by the House:—

Resolved—"That this House will not read a third time any Bill to empower any Company (whether intended to be incorporated by such Bill, or already incorporated by Act of Parliament), to construct a Railway, unless, three clear days before the third reading, there shall have been deposited at the Private Bill Office, there to be open to the inspection of all parties, a certificate signed and authenticated in manner hereinafter mentioned, and comprising the particulars hereinafter expressed, and stating the following facts, viz.:

"1. That a copy of the Bill was submitted to the consideration of a meeting of the holders of scrip, or of Bankers' receipts for scrip, of the Company, or (in case of a Company already incorporated) of the Shareholders or Stockholders of the Company, specially called for that purpose.

"2. That such meeting was called by advertisements, inserted once in each of two consecutive weeks in the London Gazette (if the Railway be an English Railway), or in the London and Edinburgh Gazettes (if the Railway be a Scotch Railway), or in the London and the Dublin Gazettes (if the Railway be an Irish Railway), and in each case in at least three London daily newspapers, and not less than three times in each such paper, in each of such two consecutive weeks; and in case the Railway be a Scotch Railway, not less than three times in each of two Edinburgh newspapers in each of such two consecutive weeks; and in case the Railway be an Irish Railway, not less than three times in each of two Dublin daily newspapers in each of two such consecutive weeks.

"3. In the case of the Company being intended to be incorporated by the Bill:—That such meeting was constituted of persons producing thereat scrip, or Bankers' receips for scrip, of the Company representing not less than one-third part of the whole capital proposed to be raised by the Company under the Bill (such scrip having been actually issued, or the deposits in respect thereof

having been paid before the 31st of March in the present year).

"4. In the case of the Company being already incorporated:—That such meeting was held, except so far as is herein otherwise provided, according to the constitution of the Company, and was constituted of Shareholders or Stockholders thereof competent to vote at the ordinary meetings of the Company, and representing either personally or as proxies not less than one-third part of the whole capital or stock of the Company.

"5. That at such meeting the Bill was approved of by persons producing thereat scrip, or Bankers' receipts for scrip, equal to at least three-fifths of the total amount of scrip, or Bankers' receipts for scrip, produced at the meeting; or, in the case of a Company already incorporated, by three-fifths at least of the meeting, the votes being given and computed according to the constitution of the Company.

"6. That those cases in which the Bill is promoted by an incorporated Company, but the parties interested are holders of scrip which it is proposed shall be converted into shares or stock, or otherwise become portion of the interest of the incorporated Company on the passing of the Bill, and contingently only on that event, shall for the purposes of this Resolution be deemed to be cases of Companies not yet incorporated.

Resolved—"That for the purposes of this Resolution it shall be competent for the Chairman of any meeting called in pursuance thereof, in the event of the above prescribed quorum of scrip, shares, or stock (as the case may be), not being represented at such meeting, to cause the votes of the persons constituting the said meeting, approving or not approving of the Bill, to be taken and recorded, and then to adjourn the same to some day, hour, and place to be declared by the Chairman, such day not being less than three days, and not more than one week, from the original day of meeting; and such day, hour, and place being, in the meantime, advertised twice in each of three London daily newspapers, or in the Edinburgh or Dublin newspapers, as above directed in the case of Scotch or Irish Railways; and at such adjourned meeting it shall also be competent to the Chairman thereof to cause to be taken and recorded the votes of such of the persons constituting the same as have not voted at the original meeting; and the total amount of votes given at the original and adjourned meeting shall be received as if given at one and the same meeting.

Resolved—"That such certificate shall also comprise, in a tabular form, the following particulars:

"1. The day, time, and place of the meeting, and of the adjourned meeting (if any).

"2. The dates of insertion of the advertisements for the meeting, and the names of the newspapers in which they were inserted.

"3. The names and addresses of the persons producing scrip, or Bankers' receipts for scrip, at the meeting, according to the statements of such persons:

"Or, in the case of a Company, already incorporated,

"The names and addresses of the Shareholders, or Stockholders, present at the meeting, according to the register book of names and addresses.

"4. The denoting numbers, if any, of the scrip, and in the case of Bankers' receipts, the names of the persons from whom the deposit is therein stated to be received, and the amount of the scrip and receipts respectively produced by the persons so producing the same at the meeting:

"Or, in the case of a Company already incorporated,

"The respective amounts of shares or stock held or represented by the Shareholders or Stockholders attending the meeting.

"5. The fact of the approval or non-approval of the Bill (as the case may be) by the several persons producing scrip or Bankers' receips at the meeting, or by the several Shareholders or Stockholders attending the meeting.

"6. The total amount of scrip and Bankers' receipts produced at such meeting, and the amount thereof produced by the persons approving of the Bill:

"Or, in the case of a Company already incorporated,

"The total amount of shares or stock represented, either in person or by proxy, at the meeting, and the amount thereof so represented by persons approving of the Bill.

"7. The total amount of the capital proposed to be raised by the Company under the Bill.

"Or, in the case of a Company already incorporated,

"The total amount of the capital or stock of such Company.

Resolved—"That such certificate shall be signed by the Chairman of the meeting and by one of the solicitors of the Company; and the authenticity of such certificate shall be verified by the signature of the Parliamentary Agent depositing the same.

Resolved—"That these Resolutions shall not apply to any Bill, the Third Reading of which is fixed for Monday next."

MR. FRENCH wished to call the attention of the right hon. Baronet and Her Majesty's Government to the injustice, in relation to the railways proposed to be constructed in Ireland, of passing the Resolution as at present worded. At the commencement of the Session, such had been the anxiety professed by the House to extend the advantages of railway communication to Ireland, that the privileges of the House were placed in abeyance; and to ensure their speedily passing into law the Irish Railway Bills were sent, in the first instance, into the other House of Parliament. There were forty-three Irish Railway Bills now before the House of Lords, five of which were waiting for a third reading. He trusted the promoters of these Bills might not be placed in a situation of peculiar hardship. If this Resolution were adopted, the Irish Bills now waiting for a third reading in the House of Lords would be subjected to much unnecessary delay. He would suggest to the right hon. Baronet that the promoters of English Railway Bills originated in that House should not be required to comply with these Resolutions before the Bills passed that House,

but that it should be sufficient for them to fulfil the conditions now proposed to be imposed upon them before their Bills arrived at a third reading in the House of Lords; and on the other hand he would suggest that the Irish Bills which had been originated in the other House, and which were now waiting for a third reading there, should be brought down to this House after their adoption by the House of Lords, under the obligation of fulfilling to the letter the Resolutions now under discussion, before they were read a third time in this House. The Resolutions required that notices should be given in the *London Gazette* and the daily newspapers for two consecutive weeks; and if this requisition was to be complied with by the promoters of Irish Bills now ready for a third reading in the House of Lords, those Bills must be delayed for at least three weeks. If, however, those Bills were allowed to pass the other House, they might be brought down to this House, and there would be no inconvenience in complying with the preliminary conditions required by the right hon. Baronet's Resolutions while the Bills were proceeding through Committee. This subject was undoubtedly one of very great difficulty, and any plan that might be proposed by the Government would probably be open to objection. The right hon. Baronet proposed that the meetings required to be held under these Resolutions should be attended by scripholders, and not by the persons who had originally signed the deeds, and to whom the shares had, in the first instance, been allotted. The House must bear in mind that railway directors were not bound either by their regulations or their deeds to recognise a scripholder, unless he were a subscriber, as having an interest in the undertaking, and that it was quite competent for them on obtaining their Act to refuse to register such a person as a shareholder. This was most reasonable. The directors, in the first instance, had the power of selecting the shareholders, by refusing allotments to those of whose solvency they might reasonably entertain a doubt. If the responsible party so selected was to have the power of disposing of his scrip to a pauper, and that the company was compelled to register that pauper, the pains taken to select a solvent constituency, and taken at a very considerable expense, would be defeated. It was clear that the mere scripholder had no interest in the undertaking under the company's deed, because the directors might refuse to register him, or give him a share, and in many cases it might be their bounden so to do. Now, the right hon. Baronet was probably aware that at this moment a number of persons were purchasing shares in the market for the purpose of dissolving companies, with a view to their own profit; and he (Mr. French) considered that such a class of jobbers was not entitled to much consideration. A Dublin stockbroker, of the name of Pim, who was interested in the atmospheric patent of the Messrs. Samuda, was endeavouring to get up a petition, through the instrumentality of Mr. Croucher, for the dissolution of the Irish Great Western Railway. This Mr. Pim endeavoured to persuade the Cashel Company to construct a portion of their line on the banks of the Grand Canal; a proposition scouted by their able and intelligent engineer, Sir J. MacNeill. He had for the last two or three years published prospectuses for the construction of an atmospheric railway to the west of Ireland, and he (Mr. French) believed once got so far as to advertise in the papers something like a promise of a company for this purpose; last year he expended a couple of thousand pounds in opposing the Galway line, which sum he applied to the directors of the Grand Canal to be reimbursed. This, however, they refused to do. He persuaded them this year to vote a thousand pounds for the survey of a line on their banks, to be an atmospheric one, but had failed to get up a company to provide the necessary funds for its construction; and judging from the experience of the Croydon line, there was little chance of money being so unprofitably invested. He (Mr. French) took for granted that the canal directors would call for the repayment of this money, as their shareholders had not now a chance of deriving any benefit from Mr. Pim's projects. Mr. Croucher had called on several of the shareholders with a petition, which he requested them to sign, and represented himself as coming from the body of the shareholders, although neither he nor Mr. Pim held a share in the undertaking. One gentleman, who looked over the petition, wrote to him that he saw the name of a person attached to it, who had told him he had long since disposed of his shares, and that he had no interest in the railway. Was it fair that proceedings such as these should be considered as the acts of the *boná fide* shareholders? There was another class of persons interested in the

winding up of these railway projects, to whom the right hon. Baronet did not propose to afford any relief. He alluded to those persons to whom shares were originally allotted, but who had since disposed of them ; they had relinquished all prospect of gain, but they were still subject to liabilities which they were naturally anxious to escape. Those were the persons who, in his opinion, had the most legitimate right to a voice in deciding whether the companies should or should not be dissolved. As the chairman of a railway company, he (Mr. F. French) was aware that there was at this moment an active agency at work, unconnected with the opinions of the shareholders, to force the dissolution of companies. The right hon. Baronet proposed, as he understood, that the meetings to be held in conformity with these Resolutions should be attended by persons representing at least one-third of the capital or stock of the companies. Now, suppose a meeting of one-third of the scrip or stockholders was held, and decided upon the dissolution of a company, and that subsequently another meeting representing more than one-third of the capital came to a contrary decision, he would ask the right hon. Baronet which of these decisions was to be regarded as the determination of the company?

Sir R. PEEL said, he did not intend to impose upon the scripholders the necessity of holding two meetings to petition the two Houses of Parliament; it would be clearly sufficient to hold but one meeting to obtain the certificate each House would require as the result of such meetings. With respect to the hon. Gentleman's observations respecting Bills in the other House, he could not of course speak for the House of Lords; but in respect of the House of Commons he should propose in the case of all Bills which had gone through their preliminary stages, that the third reading should be postponed until these Resolutions, if agreed to, should be complied with. With regard to the last point mentioned by the hon. Gentleman, and the difficulty that would arise if two meetings should come to an opposite determination, he did not see why those who attended the first meeting should not attend at the second, in which case it was quite clear there would be no difficulty.

Mr. BERNAL supposed it was intended to read the Resolutions *seriatim*, and to remark upon them as they proceeded: he would, therefore, offer a few observations upon the first. He gave the right hon. Baronet credit for having paid great attention to the subject, but he regretted that he had come forward with his proposition at so late a period. Ministers ought to have seen the danger earlier, and provided against the evils of speculation. The recommendation was, that no Bill should be read a third time without a certificate, lodged in the Private Bill Office three days before; but he wished to know why any Bill should be read a second time, and referred to a Committee upstairs, without the same certificate? The parties would thus be saved an enormous expense of maintaining a phalanx of witnesses from all parts of the kingdom, from Scotland, and perhaps even from the Orkneys, to say nothing of the engineers, pseudo-engineers, and a host of other persons filling all the hotels and lodging-houses from Hyde-park-corner to Whitechapel, and living at a rate of the utmost extravagance. He saw no reason for not stopping before the Bill came to the third reading, if only for the sake of saving the money of the parties. He contended also that too small an amount of representative capital was required at a meeting, for if the whole amount subscribed for an undertaking were 900,000*l.*, it was only necessary that persons representing 180,000*l.* should attend. The present state of the law was most unsatisfactory and indefinite; parties had most incautiously made themselves liable—writs were issued, and most iniquitous demands made ; and he knew of one gentleman who was unjustly threatened with actions to the amount of 60,000*l.* He called upon the Solicitor General to state what was the law, for nobody knew the extent of liability of provisional committee-men or of scripholders. It had been stated in a leading journal this day, in reference to the cases recently before the courts, that eighteen months or two years might elapse before any certainty was arrived at as to the responsibility of such parties. In the meantime all the harpies of the law, not the regular practitioners, would be at work, endeavouring to extract from pockets that contained nothing whatever they could get. He was aware that this sounded like a bull; but the truth was, that many of the persons sued had nothing wherewith to pay any damages that might be recovered. It might be a sort of monomania on his part, but he still contended that all questions like the present ought to be agitated before a distinct

tribunal; at all events, no good reason could be urged why these Railway Bills were to be carried on to the last stage. As to the Irish Bills, he had objected to give them priority in the House of Lords, because the present state of Ireland would prevent their being of any use; and what was the fact? That not a spade had yet been struck into the soil. There was no money in the country, and it would be just as easy—perhaps easier—to obtain diamonds as money in Ireland. What he wished mainly to impress upon the right hon. Baronet was, that an earlier point for determining whether a Bill should proceed might be found than the third reading, with quite as much advantage to the country, and vastly to the relief of the parties.

The SOLICITOR GENERAL said, that the first question for the House to consider was the evils sought to be remedied. The first great evil was that alluded to by the hon. Member who spoke last, viz., that owing to the multiplicity of railway companies, and owing to their being entirely new institutions, the law upon nearly all questions that could arise was full of complication and uncertainty. No lawyer could, therefore, on the sudden be expected to answer a question. What was the state of things at the present moment? That railways authorized by Bills passed last year and the year before required a capital of not less than one hundred millions; and that for new schemes of this year's growth between two and three hundred millions more would be necessary. Even at the present moment, before any of the Bills were passed, the commercial interests were exposed to great injury and difficulty; in consequence of the withdrawal from circulation of the sums which were now locked up in the shape of deposits. The commercial operations of the great commercial and manufacturing towns of the country were seriously impeded. The House had it from the petition of the noble Lord the Member for Liverpool that such was the case in that great port; and Manchester, Leeds, in short, every great place in England and Scotland, was in the same condition. Not only were the operations of the merchants, bankers, and large capitalists, embarrassed and impeded by the existing state of things; but the small traders even were suffering under the same depressive influences to an extraordinary and most alarming degree, in consequence of all or the greater portion of their available capital having been paid up as deposits upon scrip in the several railway schemes, or by reason of the calls that were every day in the course of being made in the case of projects which had obtained Acts of Parliament, and with which, unhappily for them, they were connected as shareholders. Now, what was the remedy in this case? It had been suggested, that as this state of things was partially felt before the meeting of Parliament, it behoved the Government to adopt some scheme which, by selecting a certain number of projects to receive the sanction of the Legislature, would relieve the pressure upon the country; but those who had given the subject any consideration could not attach any blame to Her Majesty's Government for not selecting out of the 400 or 500 schemes ready to proceed through Parliament, those which they thought should receive its sanction. For when it was borne in mind how numerous were the grounds upon which such a preference should be accorded to one scheme over another—some of these being the more direct character of the line proposed to be made; others the populous nature of the country through which the line was proposed to pass; some for one reason, some for another—was it not obvious that it would be absolutely impossible to proceed in the matter of selection, even a single step, without exercising in the first instance all the functions which the law had committed solely to the Legislature? How could any one say with justice to the promoters of a Bill, for instance, or the other parties concerned in it, that such a project should be accepted and such a one rejected, without, in point of fact, entering upon precisely the same course of inquiry in respect to those schemes, as was now conducted by Committees of the House of Commons? And, therefore, he felt bound to say that though the subject had been discussed by Members of that House, and considered for some time with all the attention it deserved, no one had, up to the present time, with the exception of his right hon. Friend, offered anything in the shape of a practical suggestion in relation to it for the decision of the House. Thus the evil went on increasing, necessarily increasing, from day to day, and from hour to hour, until Parliament had now arrived at that period of the Session when some mode was absolutely requisite to be devised to purge the House of the number of projects that were presented to it for consideration, as well as to free the country from the embarrassment and difficulty in which it was placed under

the present circumstances. He would now come to the situation of those unfortunate persons who had speculated in railway shares, as well as to that of others who had speculated, but who perhaps could not be called unfortunate. They were divisible into four distinct and separate classes. The first class consisted of the committee men, managing and provisional directors; in a word, of the governing bodies of these schemes. The second class was composed of those who were original subscribers to the deeds of those companies with which they were connected as shareholders, and who in that capacity were liable to all the covenants of those deeds which they had so signed; but who had ceased to have any beneficial interest in the several schemes with which they were so connected, by reason of having sold or otherwise parted with their shares. The third class consisted of holders of scrip purchased either from original subscribers, or holders in the capacity of original subscribers themselves; and the fourth, of creditors who were not speculators in shares, but who had given credit to committee men for the purposes of promoting such schemes, and to whom in that capacity large debts were due and owing. Now, it became a question in what way these several classes should be approached by any act of the Legislature, and what steps should be taken—doing as little injury as possible to the country—to allow a fair opportunity to both Houses of Parliament to select such of them as should pass into law, and such of them as should be rejected, upon the present occasion? And here the first legal difficulty presented itself. It was this, whether the companies consisted of original shareholders, or of scripholders and shareholders, or both; there were no means existing at present, in law, of dissolving them without the direct consent of every individual connected with them in these capacities. That was the first great difficulty; and why was it so? Because it was an actual impossibility to know, at any one moment of time, who these persons were, or where they were, such was the nature of the property; and, therefore, it became a matter clearly impossible to unite them for the purpose of performing any one common act. If, then, there were no means at law of dissolving these companies, what was the inevitable consequence of their continued existence, covered, as they would be, with hourly accruing liabilities? If there was a company, for instance, in which the directors were all honest men, anxious to avoid expense, and desirous to waste no more of the money of the shareholders, seeing that there was no probability of success; and if a majority of the shareholders were of the same mind, in what position were they placed by the law, as it stood at present? They could not alone dissolve the company, unless they had the consent of all the parties as he had stated; but they could not even hold their hands in regard to expenditure—on they were obliged to go, whether they liked it or not, out of regard for their own personal safety. They would, in a word, have to proceed with the Bill, and, of course, proceed with the expenditure, under penalty of action at law or suits in Chancery, on the part of those parties who might choose to dissent from them in the matter. Therefore, even where it was the interest of the promoters and shareholders of a company to dissolve it, they had no power, practically speaking, so to do; and he would ask any one, whether, under these circumstances, some remedy was not requisite in the present emergency of the country? There were several companies circumstanced in the manner he had described, of which the promoters and governing bodies were desirous to do what was right, and dissolve, and return the deposits as far as possible; but they were, through this state of law, compelled to proceed, wasting that money daily and hourly upon solicitors, engineers, witnesses, surveyors, and the whole host of persons needful to pass a Railway Bill through Parliament; because, if they stopped short, they would be liable to actions and Chancery suits, at the instance of any individual or individuals, members of the company, who saw fit to dissent from them in respect of such proceedings. Bringing their Bill before Parliament, and passing it if possible, was, therefore, a means by which every member of the managing body of a company consulted his own interest and his own safety; because, even if they chose, they could not stop its progress or dissolve. But if this view of the case applied with such force to companies which were in a position to go before Parliament, how much more forcibly did it apply to companies which were not in that position! During the wild fever of speculation in railways which raged last year, hundreds of companies had been formed, in which the speculators risked all they had in the world for the purpose of paying the deposits on their shares, and had rendered themselves also liable to the

whole amount of the capital for which they had so subscribed, in case the several projects to which they were subscribers should become law, by the respective Bills passing through Parliament. They found themselves in this position, perhaps. There would be a sum of money subscribed sufficient, it might be, to pass the Standing Orders—one-fifth of the capital, say 150,000*l.* or 200,000*l.* That sum would, in the first instance, be paid into the hands of the Accountant General, and, therefore, locked up altogether from the general circulation of the country, and taken wholly out of the power of the subscribers. But, as the law now practically stood, these companies could not dissolve; and the fact of a rejection of their Bill did not necessitate a dissolution. Thus the subscribers would be kept for ever, in point of fact, out of their money; and the country would also lose the benefit of the sum so kept from the general circulation. With respect to three out of four of the railway projects before Parliament, there was no reasonable ground to hope that they would pass through Parliament; and, therefore, the capital of three or four hundred companies would be kept locked up, while the circulation of the country would suffer to the amount of the enormous sum involved in their aggregate. In most of those projects the promoters were unwilling to go forward; while, for the reasons alleged, they were incapable of holding back or stopping in their disastrous progress. In the meanwhile, the provisional directors, the governing bodies, were obliged, for their own security, to waste the funds of the company, it may be against their own will, but certainly without a single reasonable chance of success for their proceedings. As the law stood, not even the rejection of a Bill would have the effect of dissolving a company, and there would be still an obligation on the part of the directors, contracted by their covenants with the shareholders, to go on in their efforts to pass through Parliament, so long as they had any of the funds remaining in existence. So it followed that, even though a Bill should be rejected in the present Session, the capital subscribed to go before Parliament, in the first instance, would still continue locked up in the hands of the Accountant General; and the directors feeling it imperative upon them to proceed in the next Session in the same manner as before, there would be no end to liability, and no limits to the expenditure but the amount of money subscribed. Then, again, the state of the law to which his hon. Friend (Mr. Bernal) had referred was deplorable. Many persons might have subscribed to an undertaking, in the hope it would succeed, but it failed. Debts were incurred, the deposits were locked up; no funds were coming in, yet the provisional directors were obliged to go on. To what position, then, were they reduced? To that of bringing actions against the subscribers and allottees. It was impossible, in the present state of the law, to say whether such an action was maintainable or not; and if any particular case was stated, a lawyer might say an action was maintainable; but in another case, with a very slight difference in the circumstances, it might be doubtful. Here, then, was pressure on the other hand by the directors against the shareholders and allottees, to make them contribute to the expenses which they (the directors) were obliged to incur; and they were going on bringing actions upon a supposed decision in a court of law. He alluded to the case of "Woolmer *v.* Toby." But there had been no decision in that case. The learned Judge who presided at the trial pronounced no opinion; he reserved all the points: but upon the bare report of a verdict being pronounced, encouraged by, and in consequence of, erroneous reports in the newspapers, he had reason to believe no less than 200 actions had been brought by the directors of three companies, the names of which he would not mention. Again, actions had been brought by subscribers against directors, upon the ground of the undertaking having failed. He referred to the case of "Walstab *v.* Spottiswoode." Here, again, no decision had been pronounced upon this point. No lawyer would be rash enough to say what the decision would be; for the law was unsettled upon all these questions; and the very circumstance of the law being unsettled, as if there was not mischief enough already, would introduce a new species of speculation, because the people who had now done with speculating in shares would begin to speculate in actions. There was really no end to the mischief and injustice which belonged to the present state of things. That all these evils could be remedied by any legislative measure it would be futile to hope; but he ventured to entertain a sanguine expectation that if the House and Parliament should hereafter adopt the Bill which would be submitted by Her Majesty's Government, and if in the mean time

the Resolutions proposed to be laid upon the Table should be adopted, the evil might not indeed be altogether remedied, but would receive a most salutary check and a most important mitigation. What was the nature of the Bill to be submitted? He would not detain the House by going through all its provisions, but he would state a few of its principal points. First, power was given to the holders of a small number of shares in any railway undertaking at any time between the signing of the deed, or the issue of the scrip, and the obtaining of the Bill, to require the managing committee to convene a meeting, in order that the sense of the proprietors might be taken upon the question of dissolution. It was proposed by the Bill that when the meeting should be convened, the parties might vote by their scrip or by proxy, it being provided that the scrip should be produced and shown by the party holding the proxy. A majority of the shareholders, not in number, but in value, might then, if they thought proper, by resolution, at once dissolve the company; and a proportion less than a majority, three-fifths, or some other amount to be hereafter determined, of the number of shares represented at the meeting, should have power to dissolve. The directors being, then, required to hold their hands, in what position would the parties be? There would be certain liabilities and certain funds; and trustees would be appointed under the Bill with power to wind up the undertaking, in the way that partnership affairs were wound up upon a dissolution of the firm. The trustees would have power at once to possess themselves of the whole of the funds of the company; first, in order to discharge the liabilities, and next, to apply the surplus, if there should be any, proportionably among the *bonâ fide* shareholders. The effect of this would be to create two classes of cases. One—it was to be hoped the most numerous—where, from the large deposits, the funds in hand would exceed the liabilities; and the other, where the funds would be insufficient to liquidate the demands upon the company. In the first case, the trustees would have nothing more to do than possess themselves of the funds, discharge the liabilities, apply the surplus to the shareholders, and thus put an end to all further waste and expenditure; in the other they would, after having ascertained the liabilities, have to apply the funds in reduction of them. With regard to the unliquidated balance, whatever it might be, it must be left to those who had thought proper to trust, what proved to be an insolvent company, to recover their claims in course of law, against those with whom they had entered into contract, and who were by law already liable. This was the effect of the measure; but, in the mean time, it must be obvious that some time must elapse before the Bill could pass. What, then, was to be done with the 300 Bills now before Parliament, during the few weeks which must elapse before the Bill could pass into a law? To permit all those Bills to go on without any check, would be to leave the evil, at this period of time, when it was most pressing, urgent, and grievous, without any remedy or attempt at remedy; but, on the other hand, was the House to take the stringent course suggested by his hon. Friend opposite (Mr. Bernal)? His hon. Friend suggested that the House should do more than classify and check—that it should at once put a stop to all legislation upon Railway Bills. He (the Solicitor General) must be allowed to explain why he thought this course would be too stringent. In the very first place, a fortnight or three weeks must elapse before the certificates could be prepared under the resolution; and was the House, then, to stop all legislation? If legislation upon all Bills were stopped, even for a period of three weeks from the present time, it was worth consideration whether it might not endanger the passing in this Session of those Bills which were wholly unexceptionable. But independently of that consideration, he must say that, considering the great amount of money, and the varied, complicated, and extensive interests involved in the railway undertakings now before Parliament, it would be too strong a measure to stop them at once, without giving the parties a proper opportunity of expressing their assent or dissent; or to postpone the further consideration of the Bills to a time so remote as to endanger their passing in the present Session. It was therefore proposed by the Resolutions, that any number of shareholders, however small, might forthwith proceed to convene a meeting, which should be held within a fortnight, or a little more, to decide whether the scheme should be proceeded with or postponed. But then, said his hon. Friend (Mr. Bernal), why give so small a number as one-fifth the option of proceeding with the Bill, when the other four-fifths might come forward and oppose it? His hon. Friend and the House must remember that by the Resolutions an oppor-

tunity was given to the whole body of scripholders, by public advertisement, to express their sentiments; and if four-fifths of the whole body thought fit to hold back, and one fifth to proceed, he must say that was sufficient evidence to the Legislature that the Bill was a fit Bill to be considered by the Committee, and, if approved, to receive the sanction of Parliament. It was to be observed that it was utterly impossible to frame Resolutions calculated to meet every particular case; and no doubt his hon. Friend (Mr. Bernal) might readily put instances in which it might be said that four-fifths of the shareholders were against going on. Such cases, however, would not often occur; at all events, what was there to prevent the remaining four-fifths from holding a meeting of their own, and proceeding against the Bill? Nothing at all. And he apprehended that it would be competent for any Committee of Parliament, although the assent of one-fifth had been given, if they had reason to believe that a more considerable body of the shareholders were against the Bill, to reject it on that ground. Her Majesty's Government did not say that all Bills supported by one-fifth of the subscribers should necessarily pass, but that they should be considered; and it would therefore be competent for the remaining shareholders to allege their grounds of opposition. He thought when it was considered that these Resolutions were to operate upon every Bill which should come before either House of Parliament, and that they placed this great and important check that no Bill should pass that House unless, in the present state of feeling in the public and among the shareholders, they received the express assent of one-fifth of the whole scripholders, they did all which could reasonably and safely be attempted, without an undue, and, he might almost add, an unconstitutional interference with the rights of property, and the rights of free dealing between man and man. Some other objections had been stated to the Resolutions, and since he entered the House it had been suggested that where the power of stopping a Bill, or, rather, of requiring the assent to it by the holders of scrip, there was one class of cases in which persons who had a fair and just right to interfere, would not, under the terms of the Resolutions, be represented. In other words, there was a class of persons who, having originally subscribed and paid *boná fide* the deposits, had not received their scrip, but only the banker's receipt. He apprehended this case was already met in the Resolutions; but if not, the introduction of the words "banker's receipt" in the Resolution, to which there was no objection, would put an end to the difficulty. It had also been said, more out of doors, he believed, than in that House, "You are not to take away from the original subscribers the right of voting at these meetings, and give it to the scripholders;" and the reason suggested was, that the original proprietors remained liable. He could not acceed to the validity of that reasoning. What was the situation of the original proprietors? They had paid their deposits, and if they had intended, *boná fide*, to become real proprietors in the undertaking, to maintain their interest in it "for better or worse," they would have retained their shares, and have been prepared to stand or fall by the concern. There was, however, a class of persons, and he was afraid a very numerous class, who had subscribed to a multiplicity only with the view, whenever they could, of selling their shares at a premium, and so making a profit. Many of these parties had paid only 2*l.* 10*s.* per share, and afterwards sold them in the market at a premium of 3*l.*, 4*l.*, and 5*l.* What right had they to claim a voice in the meeting? None. They had no interest in the undertaking, inasmuch as they had parted with it by sale, and put the money into their pockets. If the undertaking should succeed and become profitable, they would not be entitled to participate in the profits. It was the persons to whom they had sold their shares who had an interest in the undertaking, and they only ought to have a voice upon the question of its continuance or its dissolution. With regard to the continuance of liability upon the original subscriber, the original subscriber at the time he sold his shares knew he could not be exonerated from his responsibility under the deed. He was in the same situation as any retiring partner from a mercantile house. If a member of the firm of Messrs. Coutts or Messrs. Drummond were to retire from those great banks, though he sold his share for 100,000*l.*, he would remain liable for every shilling of debt upon every contract entered into during the time he remained a partner. What right then had men who had originally subscribed to a railway undertaking to ask to be put in a different situation to other persons, because they had sold out their interest? Clearly none. It had been also complained, that

in the winding up of a concern the provisional directors were left in a condition of liability, whilst the funds were taken from them. The answer to this complaint was, that the funds were not taken away from the concern, but the right was taken of applying those funds, in satisfaction of the liabilities of the concern, not by the hands of those who might be too apt to favour themselves by paying only those claims which pressed upon themselves, and setting other creditors upon other persons, who had not the same access to the means. The hon. and learned Gentleman concluded by pressing upon the House the consideration, the importance of which he had already dwelt upon, that it would not be safe for Parliament to go further at this moment than the Resolutions proposed. Under them the shareholders in every undertaking would have an opportunity of expressing their sentiments; and the House, he thought, might safely come to the conclusion that where three-fifths of the body intimated their approbation of a Bill, that at least was a sufficient reason for the Committee neither at once to reject the Bill nor at once to postpone it.

Mr. LABOUCHERE said, the hon. and learned Gentleman (the Solicitor General) had adverted to two questions of great importance, which, though not unconnected, yet had no necessary connexion with each other, so far as the present debate was concerned. One was the Bill to regulate and amend the law by which joint-stock companies were constituted, which the Government had announced their intention of bringing in; and the other, the Resolutions which were now the subject of discussion. He should, in the few observations he was about to offer, confine his attention to the Resolutions. All he should say with regard to the Bill which the Government had announced their intention to introduce, was, that he heartily rejoiced that they had turned their attention to the subject, which was one of equal difficulty, urgency, and importance. He was perfectly unqualified to express an opinion upon the provisions of the Bill which the hon. and learned Gentleman (the Solicitor General) had detailed; and he would only say, that anybody who had paid attention to what was going on in the country, must have seen that it was absolutely necessary the vigilance of the Government should be directed, and the intervention of the Legislature asked, for a state of things which was producing scenes of confusion extremely prejudicial to individuals, and not creditable to the commercial character of the nation. There was only one point to which he would venture to advert, namely, to what the right hon. Gentleman the First Lord of the Treasury had said about the mode of reserving shares by the directors of railway companies. He confessed he was rather surprised at the innocence which the right hon. Gentleman exhibited, and at the tone of surprise in which he detailed the transactions which he had stated to the House as having taken place on the part of the directors of companies. He thought it had been matter of notoriety, and, he would add, matter of scandalous notoriety, during the last four or five months, that the system of reserving shares upon the part of persons who, from their situation and influence, ought to have known better, had been carried on to a very great degree, completely hoodwinking and deceiving the great body of the public, and inveigling persons of small property to embark in these undertakings to their loss and detriment. By this system of reserving shares, he said, provisional directors had been enabled to make great profits for themselves and their friends, not only to get scot free, but to come out with great personal gain, and had led the unfortunate persons who by their credit and the influence of their names had been induced to join them, to be the sufferers, and bear the brunt of the calamity. He did not know whether it were possible to check this system by legislation; but if the Government could propose an efficient remedy for this abuse, they would confer a very great obligation and advantage upon the country. But these were points for discussion when the Bill itself was before the House, and he would confine his observations entirely to the Resolutions. He had observed with satisfaction a wish on the part of the House to give a generous support to the course taken by the right hon. Baronet. That course, he thought, was on the whole the best which the House could adopt; and in the main he agreed with the arguments and reasons for it which had been adduced. He did not mean to deny that very valid objections and inconveniences might be pointed out in it. We were so situated in this matter that it was quite impossible to avoid very serious inconveniences, and some degree of hardship and injustice in any course that might be taken; but he had heard of no course which could be adopted that did not present difficulties as great, if not greater, than that now proposed. He

must also say—though he did not wish to dwell upon it—that he could not agree with the notion which the right hon. Gentleman had, of this being just the most felicitous moment for Government to step in and interfere. The right hon. Baronet said if they had interfered before, the public mind would not have been ripe for it, and if they interfered later, much mischief would have been done; that they had been particularly fortunate in choosing the moment when they should step in to save the public from the evils which were manifestly coming. He could not help thinking this was rather a late opinion of the right hon. Baronet; for he had a clear recollection of a speech made by the right hon. Gentleman at the beginning of the Session, and still more distinctly of the speech which the right hon. Baronet's noble Colleague the Earl of Lincoln made on the same occasion; and the speech of the right hon. Baronet left upon his mind the impression that the Government had considered this subject before Parliament met, and that, as a Government, they were of opinion at that time that interference was necessary. The public had the same impression; and he thought the Government were then disposed to deal in a more wholesale manner with railways than, without great cause and good reasons, it would be expedient for the House to support them in. But what he objected to was, that when they appointed the Committee at the beginning of the Session, instead of coming to the House with the scheme which they then had upon the subject, they employed a month in feeling the pulse of the House—in ascertaining what the House thought, when they ought themselves to have taken the initiative, and given their advice to the Committee. That, in his opinion, was a most unfortunate course. If a plan had then been proposed by the Government, and adopted by the House, it would have been of infinite advantage. In a question of this kind it was the duty of Government to look ahead, as it were, and undertake the responsibility at once, without waiting till the public out of doors had become convinced of the necessity for something being done. He, therefore, could not agree with the right hon. Gentleman that he had been felicitous in the particular time he had chosen for proposing the present measure. At the same time it was likely to be a very useful measure, and he should give it his cordial assent. He had already stated that this, as well as any other course, would be accompanied with inconveniences. There was one likely to result, to which the attention of the Government and the House should be directed, namely, that all competing schemes would be swept away; that the great companies would extend their monopoly, and keep the field, where, under other circumstances, they would have had to contend with new rivals. The effect, therefore, might be, that at the end of the Session, the already formidable influence which the great companies had would be increased. He did not say whether this was an evil or a good; but it was a state of things that rendered it important for the House, and the Government specially, to consider whether some means might not be found of effectually protecting the public against an influence already so great, and which might become greater. Whether some parts of the machinery of the scheme might not be improved, was another question. He should be extremely sorry if the plan introduced by the Government, which no doubt had been well considered, should be interfered with, because it was more likely to be better matured by them than by suggestions across the Table; but at the same time he might, perhaps, be permitted to offer one or two suggestions. One was, whether it would not be possible to give, as an alternative to the scripholders, the power of communicating in writing their wishes to the chairman of the company, instead of having the meeting. The Resolutions did not state where the meetings of the scripholders were to be held; and, for all that he saw to the contrary, an Irish railway company might be called on to meet in London, or an English company in Dublin. That should be defined. On the whole, he much preferred the proposal of Her Majesty's Government to the suggestion of his hon. Friend the Member for Weymouth. He heartily rejoiced that the Government had directed their attention to this important subject. He believed that the course which they had recommended was a judicious one, and one which would give great satisfaction to the public at large.

Mr. HUDSON fully concurred in the course which had been pursued by Her Majesty's Government, believing that if they had brought forward the proposed measure at an earlier period of the Session it would not have received that general support which it was now likely to obtain. It would have the effect of placing the parties interested in railways on a solid basis.

They would be induced seriously to consider their present position; and after the meetings which would take place, he believed, in many cases, Parliament would have little trouble in coming to a decision. He admitted that considerable excitement had existed in the railway world. That had arisen in a great measure from the successful progress of existing companies. Many parties had come forward to join those individuals who had been toiling in the field, in order to reap some share in their harvest after they had borne the heat and burden of the day. He had cautioned the public at various meetings against the wild speculations which had been entered into, foretelling the result; but he was told that he was speaking as an interested individual; and if the Government had interfered sooner it would have been said they were stopping the progress of public works which would confer a great benefit on the country if carried into execution. An earlier interference would have been ineffectual; but now public opinion was in favour of the Resolutions of the Government, which would have a most salutary effect; and he had no doubt that those measures which were really good would be proceeded with in the House, and pass into law. Railway communication was of essential importance to the country, and ought to be encouraged to a proper extent; and he regretted the statement which had been made by a man of great eminence as to the increased cost of construction. He (Mr. Hudson) did not at all agree in the opinion that the expense of construction had been increased 50 per cent. Nothing could be more injurious than the propagation of such an opinion, inasmuch as it might cause the abandonment of many important and beneficial schemes. This statement might, perhaps, militate against the interests of certain companies respecting which some jealousy was entertained by the hon. Member for Taunton; but he considered himself bound in duty to Parliament and to the country to state his real opinion on the subject. He had been connected with railways for a series of years, beneficially to himself, and, he hoped, advantageously to the public. Probably the largest amount of private capital ever entrusted to one man had been placed in his hands, and he had enjoyed the confidence of the proprietors with whom he had been connected; but he should feel ashamed if he allowed his duty to the proprietors to prevent him from giving to the House such information as might be beneficial to the country. When the Midland Railway was made, the price given for iron was 11*l.* 10*s.* per ton, and the sleepers cost 7*s.* each, and the charge for other articles was in a similar proportion. The House was aware that land, also, was an important item. The other day he bought a large quantity of iron at 9*l.*, and could purchase sleepers at from 4*s.* to 5*s.* Land also was much cheaper than at that time. Although a considerable rise had taken place since the year 1841, when he bought rails at 5*l.* per ton, yet the prices were not so excessive as to deter parties from embarking in those undertakings, which would confer such benefit on the country. The hon. and learned Gentleman (the Solicitor General) had stated that the scripholders might attend these meetings and vote for the continuance of their undertakings, meaning at the same time to take the chances of the market, and not register their shares; and the original proprietors might be called on for the execution of the works. This was the position in which the original shareholder had placed himself, and he had now no right to complain. He trusted the proposed measure would be fairly treated by all railway directors. From his knowledge of the directors of different companies, he believed they would give the proprietors a fair opportunity of reconsidering their position, and determining whether it was advisable to proceed with their undertakings or not; but he hoped, at the same time, that no grievous panic would take place. He could mention one company which would have been abandoned but for the exertions of two or three individuals. The shares at one time were unsaleable, and some parties would not register their scrip; but the company waited patiently, and every 50*l.* share now produced the proprietors almost 300*l.* The railway world were under great obligations to the Government for the judicious Resolutions which they had proposed, and he felt quite confident that the public generally would meet them in the same spirit.

Mr. M. PHILIPS said, that notwithstanding what had fallen from the hon. Member who had just sat down, he must say that he should have been glad had the Government interfered at an earlier period. He had himself thought of proposing a measure some time ago, but upon canvassing his Friends he found that he should have had no support in that House. At any rate he had no hesitation in asserting

that they were not now interfering one moment too soon, for such had been the abstraction of capital from its legitimate sources for the purpose of fostering these railway speculations, that the greatest possible embarrassment in the manufacturing districts had been the consequence; an unless some such wholesome measure as that now proposed were introduced, he feared that the employment of labour would be greatly impeded. Under these circumstances he should give his cordial support to the measure, at the same time that he hoped no legitimate measure might be checked by it. He agreed with the hon. Member for Sunderland that the development of the railway principle was one of the greatest boons to the country, and he should regret, therefore, to see it checked. Many people thought that it would have been better if Government had taken railways under their care. He differed from them in that opinion, for he believed that the railway principle would not have developed itself so completely under their care in twice the time which had been required to bring it out, leaving it to private enterprise. He certainly could not but regret that there had been a great spirit of gambling mixed up with a subject so valuable in itself as railway communication: and he did hope that what they were about to do would put a stop to all unsound and speculative schemes; but that it would not delay the fair and full development of a principle which he believed was calculated to confer the greatest blessings upon the country, and one, not the least of whose advantages was, that it kept our capital at home, and enabled us to employ beneficially large masses of the working population of this country.

Mr. NEWDEGATE thought the Resolutions before the House much needed, but he could not concur in an expression of an hon. Member, that the country was recovering from the vortex of speculation. It could not be denied that much gambling, loss, and ruin had already accrued from railway schemes. He thought the right hon. Baronet trusted far too much to the restrictive influences of the year 1844. That it had laid a heavy hand upon speculation was perfectly true. It appeared to him that the fact of requiring deposits had given the railway scrip and railway shares a character for which other things had neither the claim nor the credit. He rose merely to suggest to the consideration of the Government the registration of all shares. It was quite clear they could not prevent railway shares from participating in the functions of money, and they would have an undue issue of scrip, owing to the subsequent deposit under the sanction of Parliament; and there were no fair means of limiting this, unless the Government provided for the registration of that scrip and all shares, and gave the public the same means of access to that registry as was allowed in the case of bankers' issues.

Mr. WARD observed, that in so far as the railway schemes were concerned, the Parliament had prescribed certain conditions which were complied with. The mania that had prevailed had been compared to the Mississippi and South Sea schemes. He agreed in the propriety of the comparison, and thought that a vast amount of money had been diverted from its legitimate channel; tradesmen had been induced to enter into these speculations, and to invest in them those moneys which ought to have been reserved for their own business, and the consequence was great embarrassment. But what was Parliament to do, under the circumstances? Such a state of things had never before presented itself. With these Resolutions he had no fault to find, because he said that unless a board of directors could get a third of their shareholders to consent to the carrying on of an undertaking, there could be very little satisfaction in their proceedings. He also thought the proposed machinery sufficiently simple. He should have been better pleased had the Resolutions been made applicable to stages of a Bill previous to the third reading, because at present the provisional directors of an inchoate scheme had no discretion: they must go on incurring expense until relieved by a Bill now before the other House of Parliament. He should therefore have been glad to see these Resolutions apply to the early stages; but he had been told that considering the advanced period of the Session, and the position of the Railway Bills, this would be impossible. He regretted the circumstance, but he felt assured that all directors who took a proper view of their own interests, and those of their constituents, would, before their Bills had gone through the Standing Orders, avail themselves of the powers given by the Resolutions, and ascertain the sense of their shareholders before incurring any further expense. In the third Resolution he did not clearly understand the right hon. Ba-

ronet's meaning. He thought that words should be introduced to the effect that persons producing sufficient scrip of the company, whether their own or the property of others, should be entitled to take part in meetings convened in pursuance of the Resolutions. [Sir R. PEEL: It was so provided.] That was satisfactory. Of course the House was fully aware that the right hon. Baronet had to deal with difficulties of the most conflicting character. Those difficulties did not arise from the *bonâ fide* proprietary. Nothing of the kind. It was well known that half the shares were bought up by persons who had neither interest in, nor knowledge of the lines, but were merely speculating in the share market. These parties had brought the evil on themselves. The Resolutions before the House would provide a practical remedy for a practical grievance. Those who held four-fifths of the shares never intended to complete the lines; never dreaming of a panic, they bought the shares for the purpose of selling them again, and now being utterly unable to meet the expenses, it was necessary that Parliament should interfere on their behalf. The remedy proposed was one of which they would so eagerly avail themselves, that he believed the number of Bills would be reduced to one in ten. Speculators now saw the extent of the liabilities in which they involved themselves; and depend upon it the lessons taught them this year would not be forgotten for ten years to come. One word in reference to some rather harsh observations made that night respecting the conduct of provisional directors. It was admitted on all hands that railway enterprise was useful; that much of the prosperity of the country depended on it; and that it was a legitimate pursuit. Now, as every railway project must begin with a provisional directory, if they endeavoured to the utmost of their power to ascertain that the enterprise was likely to prove useful, he did not think they were now to be cried down, because in the mania of last year very exceptionable transactions took place in the railway world. The right hon. Baronet had referred to the practice of reserved shares, but there must be companies in which shares would be reserved. If the right hon. Gentleman had to wade through a mass of applications for shares—to sift the sound from the unsound, and to reject those having forged references, which gave a character of respectability to the applicants, he would find that out of 100,000 shares, not more than 40,000 of them could be allotted with safety. The very desire to discharge those functions properly, in *bonâ fide* schemes, had led parties to reproach provisional directors for reserving shares. [Sir R. PEEL: These are not fair specimens.] Why, the rage for obtaining shares was quite beyond anything that had ever come within the range of his experience. He had not the least doubt but a great many errors took place in the company in the management of which he was concerned; but any error in the allotment of shares, was chiefly owing to the cause he had mentioned. It was within his own experience that applications had been made to companies for a large number of shares by Members of that House, and those shares were never taken up, because they did not come out at a premium. Talk of innocent shareholders! Why, almost every man was concerned in taking shares on which they did not pay the deposit. Allottees were fully as guilty in that respect as provisional directors were, in reserving shares. If allottees did not see that they could realize a premium, they threw up their letters at once. The most respectable parties were engaged on provisional committees. Many of them, having the best intentions, unfortunately found themselves involved in the whirlpool of last year, and they were glad to come out of it with anything like an admission, on the part of the proprietary, that they had dealt fairly. He was sure that the railway transactions of last year would be a lesson to him. He was extremely anxious to wind up the concern with which he was connected; and he believed one-third of the shareholders would gladly avail themselves of the opportunity afforded for doing so by the right hon. Baronet's Resolutions. He had derived no advantage from being in the direction of the company with which he was connected, nor did he think that for his six months' labour he should get one shilling from either party.

MR. F. T. BARING said that in Committee he had objected to any legislative interference with the employment of capital, and since then he had seen no reason to alter his opinion. He regretted that the less, because the right hon. Baronet had so framed his Resolutions as to effect beneficial results without at all touching on the principle. To the Resolutions he had not the slightest objection. They afforded a remedy in accordance with the wishes of the proprietors, and made no attempt to

control them. It gave them an opportunity of considering their position, and discussing the point of whether it would be expedient to proceed according to their original intention. It was, in fact, only an appeal from Philip drunk to Philip sober; an inquiry whether a voyage projected with fair breezes and smooth water, was to be persevered in when clouds were gathering, and the waves were so rough as at present. For these reasons he gave his cordial concurrence to the proposal of the right hon. Baronet. The only objection he had was as to the time at which they came into operation. If possible, he should wish to have avoided the expenses of the early stages; but there was no proposal to which some objection could not be made. With this reservation he gave his cordial consent to the Resolutions.

MR. B. DENISON regretted that in the course of last summer Parliament had not attempted some preliminary interference with railway schemes. There were then outward signs which would fully have justified legislative interference. The spread of unsound speculation had injured wholesome trade in all its branches, by tying up capital which would have been otherwise employed. However, it was better to interfere late than not at all. He was sorry that his hon. Friend the Member for Sunderland was not present, because at the commencement of the Session he had deprecated interference with railway projects, and said that the country could bear an outlay for such purposes of fifty millions a year. He approved of the Resolutions, because they would enable parties to wind up; and the sooner the better. With reference to the question of time, it should be remembered that the Resolutions offered no hindrance to immediate meetings, and therefore, if directors did their duty, they would at once take advantage of the Resolutions, call their shareholders together, and thus save their deposits from solicitors and agents. There was another point to which he wished to call the attention of his right hon. Friend the First Lord of the Treasury. His right hon. Friend had, in his speech, alluded to Mr. Brunel's statement as to the increased cost of constructing railways. That statement had already been answered by the hon. Member for Sunderland; but he would add, that he had been in communication with persons in the habit of contracting for railway work, and they had informed him that the increase would be 10 or 15 per cent; not 50, as stated by Mr. Brunel. In another part of his right hon. Friend's speech he had alluded to a newspaper paragraph, referring to the London and York Railway. His right hon. Friend had seemed to infer from that paragraph that the directors of the London and York were themselves anxious to wind up. [Sir R. PEEL: By no means. Was the paper signed by a person named Phillips? [Sir R. PEEL: Yes.] Then the paper from which his right hon. Friend had quoted was a circular which had been sent round to the shareholders of the London and York Company, exhorting them to wind up. It was signed by a person named Phillips, who dated it from the office of the London and York Company. He was a director of that company, holding only fifty shares; he had never bought or sold, and had joined the railway solely on public grounds. Would the House believe, that this Mr. Phillips who had taken so much trouble, was not secretary to the company, but merely a self-elected functionary? He was not known to the directors, but had merely been appointed by persons who were anxious to damage the company. He (Mr. Denison) was in a condition to prove that, since the announcement of the right hon. Baronet's intentions, persons connected with Mr. Phillips had been buying up shares in the London and York line, for the purpose of bringing them to bear on meetings to be convened under the Resolutions. The House would agree with him that this was a most dishonourable proceeding. He was glad that his hon. Friend the Member for Sheffield had not left the House. Would it be believed that the directors of the Eastern Counties Railway, of whom the hon. Member for Sheffield was one, had by letter put themselves in communication with Mr. Phillips and his friends, and there was no doubt but that their united object was to prevent the London and York Bill from passing through Parliament. He would go so far as to say, that the London and York directors had been persecuted by their opponents in a way which was not at all creditable to the directors of other companies. He thought he could refer to his hon. and learned Friend the Solicitor General, and ask him whether statements had not been laid before him which were unheard of before, and which the directors were forced to lay before him? His object in mentioning these facts was to show the right hon. Baronet that by his Resolution existing com-

panies would have decided advantages and facilities in buying up the shares of infant companies for the purpose of burking them. He did not say this from the slightest fear that the London and York would be affected by such practices. He believed that it might set all such attempts at defiance; but he wished to point out the advantages that were given to existing lines. There was no doubt but that directors of existing lines would have great facilities in buying up scrip for these meetings; and therefore he would have it provided, if possible, that no person should have a vote who had not been in possession of his scrip on the 4th of April, or the time at which the announcement was made. He had no objection to the general scope of the Resolutions. One word more. He thought that the Resolutions might be condensed without injuring their effect. One said that the meeting must be convened by scripholders representing one-third of the capital, and, of them, three-fifths when present would be at liberty to affirm the proposition to go on or off with the Bill. Now, what would happen? Until three-fifths of the scrip was in the room, the parties to whom he had alluded would stay out, and delay a meeting being formed. As an illustration of this, he would allude to what often occurred in that House. When a discussion was about to come on which some hon. Gentlemen were desirous of avoiding, it was not unusual for them to remain in the lobby, knowing that unless forty Members could be got together, the question could not come on; but should the House be made without them, then, as they had no further interest in remaining outside, they also came in. So it would be with these railway meetings. The parties objecting would not go into the room until they found there was sufficient scrip represented already to constitute a meeting; but when that was the case, they would of course go in and take their chance with the others. He thought, therefore, if the right hon. Baronet would allow the meeting to consist of one-fifth of the whole instead of one-third, it would in practice be much better. The Resolution provided that three-fifths of the one-third required to be present, should divide whether the undertaking should proceed or not—that was one-fifth of the whole; then why not let the meeting consist of one-fifth of the whole in the first instance, and leave it to them to confirm, if they thought proper, the resolution for going on? Generally he was in favour of the Government Resolutions, because he thought the sooner those schemes which were not to be carried out were wound up the better. He wished to say one word in regard to the last observation of the hon. Member for Sheffield. He was quite aware of the great difficulty which had occurred to directors of late in allotting the shares; but, twelve or eighteen months ago, when many good and profitable schemes were being brought forward, he knew that in many cases the directors did retain for themselves, and keep in their own pockets, very large numbers of shares—not hundreds merely, but thousands—refusing to allot them to applicants who were equally wealthy and respectable with themselves. He said this advisedly; and he must add that it was a most unfair way of dealing with the public. He would not mention any names; but, if called upon to do so, he could refer to one, two, three instances in which respectable parties, living in the immediate district through which the railway was intended to pass, were refused shares, while they were retained in the pockets of the directors. In one case, a gentleman who had applied for twenty-five got only ten; another, who applied for fifty, got twenty-five; and when the allotment was concluded, and it was found that a large number of shares still remained, the directors appropriated them to themselves, and sold them to the public at a large premium. This was a practice which Parliament should prevent if possible. It was in consequence of the large sums of money that had been made by a few individuals in this way, that this mad application for shares had taken place.

The CHANCELLOR OF THE EXCHEQUER observed, that there was so general a concurrence in the main objects of these Resolutions, that it would be unnecessary for him to intrude any lengthened remarks. Some one or two objections had, however, been advanced to some portions of the proposal, and to the general course of the Government, upon which he would offer one or two observations. In the first place, it was urged that the Government might have interfered more directly, and at an early period. Every one who had paid attention to what had taken place upon the subject of railways during the close of the last year, must be aware that the extent to which undue speculation was then carried was such as to threaten great danger to the commercial and monetary affairs of this country. Placed in the situation he

had the honour to fill, he had felt it his duty to use all the means in his power to discourage such speculation, and to induce all those over whom he thought he had any influence, not to embark in or give countenance to them. But, to prevent their being carried to a still more ruinous extent, he apprehended two courses only were open as far as the interference of Parliament was concerned. They might at the commencement have resolved to permit only such a number of railway schemes to be brought forward in the present Session as they thought the resources of the country could reasonably and without inconvenience carry out. But how would they, had they adopted that course, have met the difficulty of selecting those schemes to which the indulgence of being permitted to proceed with their case should be extended, and those which should at once be refused? They would have been involved in the difficulty from which the hon. Member for Manchester could find no better way of extricating them than the giving a monopoly to the existing lines, and excluding all new lines from competing with them. But when Parliament first met, there was not that general sense of impending difficulty which would have justified Parliament in embarking in the task of making any such regulation. That fact was, indeed, sufficiently proved by the speech made about that period by the hon. Member for Sunderland (Mr. Hudson). The only course, then, as it appeared to him, for Parliament to take was, to refrain from immediate interference, and to allow the public mind to cool down until it became itself convinced of the danger which these over-speculations must occasion. That period had now arrived, and the public being now sobered down—or, as the right hon. Gentleman had expressed it, there being now an appeal from Philip drunk to Philip sober—had the opportunity of effecting that, through their own medium, which it was most desirable should be effected, but which could not be so well accomplished through any other. One consequence of the delay was, that they had now the concurrence of the hon. Member for Sunderland in the Resolutions which his right hon. Friend (Sir R. Peel) had brought forward, which it was quite clear he would have opposed at an earlier period of the Session. This was the ground upon which he justified the delay which had taken place, on the part of the Government, in dealing with this subject. Another objection which had been taken was, that the Resolution ought to come into operation previous to the measures which might be affected by it going into Committee instead of before the third reading, inasmuch as by delaying it till the third reading, the parties were subjected to great expenses—expenses which in some cases the directors, engineers, attorneys, and others, had a direct and positive interest in forcing the company to incur—in carrying the Bill through Committee. The reason for not applying the Resolution before the committal of the Bill was this: that as the Resolution was necessary in consequence of the Bill brought into the House of Lords, which would afford to those companies the means of dissolving themselves, and as some time might elapse before that Bill received the Royal Assent, if all the railway schemes now before Parliament were in the meanwhile delayed until the required assent was obtained, it might, and he thought would have happened, that none of those genuine railway measures which were now before Parliament, would have had time to go through their several stages, however good they might be, and however much to the public advantage would be their passing. Then, was not every possible advantage which could be required secured by imposing this check previous to the third reading? These Resolutions permitted the companies immediately to hold the necessary meeting; and if at such meeting a resolution in favour of carrying out the project was not come to, what would be said of that body of directors who would, nevertheless, entail upon their constituents the expense of attempting to force their Bill through Committee; and what chance would such Bill have with the Committee upstairs? Or, having the opportunity to obtain it, what would be said of the directors who, not having the authority of such a resolution, determined without consulting their consulting their constituents to put them to the expense of a contest in Committee? Therefore, although the check was not imposed until previous to the third reading, it would, he thought, be effectual for its object. His hon. Friend behind him (Mr. B. Denison) had suggested, that instead of making the meeting to consist of the representatives of one third of the whole number of shares, and allowing three-fifths of that one-third to decide, they should provide at once that one-fifth of the whole should be sufficient to sanction the pro-

gress of the Bill. The hon. Member urged truly, that three-fifths of one-third was equal to one-fifth of the whole of the proprietors. But, though this was mathematically correct, the practical working of the matter was a different thing. He did not think that the mere assembling of one-fifth of the holders of the scrip would sufficiently show the feeling of the whole body of proprietors. If the meeting were convened as proposed by the Resolutions, the whole circumstances and position of the scheme would be canvassed—the conduct of the directors, whether they deserved the confidence of the shareholders, would be considered — and it would be seen whether any unjust representations had been made as to the desirableness or the prospects of the measure, and whether it would be desirable to pursue or abandon it. A discussion as to these matters would take place, and after that discussion they would have the decision of two-thirds of those who had engaged in it. This would prevent every thing like evasion, and every thing like trick—at all events, there would be much less chance of trickery than if it were entrusted to one-fifth of the whole in the first instance to decide whether the Bill should go forward or not. He did not, therefore, think that it would be desirable to make any change in this respect. His hon. Friend had, however, urged another objection to the measure. He said, that the great companies, who have considerable capital and influence at their command, would immediately buy up the scrip of the opposing schemes, in order to be able to attend the meeting and vote against their further progress, and thus all competition would be put an end to. To obviate which evil his hon. Friend proposed that no shareholder should be permitted to vote who had purchased scrip subsequent to the 4th of April, or the day when these Resolutions were first promulgated. If it could be ascertained correctly when the parties purchased their scrip, such an arrangement might be useful; but scrip passed from one hand to the other so rapidly that that was impossible. They might ascertain when the scrip was issued, but not generally when it came into the hands of its present possessors. But if such an arrangement could be made, he doubted whether it would answer the end his hon. Friend wished to effect. Suppose the case his hon. Friend had put of one of the large railway companies going into the market and buying up the scrip of a competing line for the purpose of putting a stop to the undertaking. The very fact of such purchase, if made to any extent, would defeat the object for which it was made, inasmuch as it would increase the demand, and so raise the value of the shares in the market. Thus while the established company were accomplishing their object on the one hand, they would be arming the proprietors of their opponents against them. He had now, he believed, adverted to the principal objections which had been raised against the proposition. He did not mean to say that the question was not beset with difficulties on every side; no persons could be so well aware of that as those who had been now for some time engaged in devising a remedy by which those difficulties should be met. He was glad to find that the House was disposed to agree that in their attempt to do so, the Government had been tolerably successful. He believed if these Resolutions were confirmed, and the Bill which had that night been introduced by his noble Friend in the other House should pass at a comparatively early period, the danger which now threatened would be averted, and a great benefit conferred on the commercial community.

MR. GISBORNE said, whether the Government had interfered or not at the right time, there could be no doubt they had interfered in the right direction. The measure to which the right hon. Gentleman had just alluded was in all respects an enabling and not a restraining Bill. The Resolution placed, as he understood, the scripholder in the same position as the original allottee —that was right, as the scripholder was the party directly interested. But he was anxious to be set right upon one point. Many parties had purchased scrip at a large premium from the original allottees. If the Bill which had been alluded to, should not pass in the present Session, it was doubtful whether the holder could not recover from the allottee the money so paid for the scrip—how would that affect his interest in voting ?

The SOLICITOR GENERAL said, that upon that point there was no doubt as to the law. The party could not recover.

MR. GISBORNE: Then am I to understand that in such a case the bargain would stand?

The SOLICITOR GENERAL: It is perfectly clear that as the law stands, a person who has purchased scrip cannot recover back from the original allottee the price he may have paid for it. If he has

given his money for scrip, he must abide by the bargain.

Viscount SANDON saw with hearty satisfaction the course the Government had adopted on this question, the more so that it accorded with the suggestion he had himself made, for giving the parties themselves the power to proceed with or abandon the undertaking. At any rate it would have the effect of clearing the Table of a deal of rubbish. But he must say that with regard to branches emanating from established companies, he should take particular care not to confine himself specifically to the branches brought before Parliament by those companies, but should consider it his duty to see the plans of other schemes that had been before Parliament to accommodate that locality. He would examine their plans, and if he found they were likely to be of more service to the public, and there was a probability of their being ultimately carried into effect, although dropped for a time, he should feel himself quite justified in rejecting the Bill of the established company, not because it would not be advantageous, but because he thought there were other lines more advantageous. The adoption of such a principle as that was the only way in his opinion of escaping from the difficulty of adopting those inferior projects, whilst others more advantageous were driven out of the market. He trusted the effect would be to give an additional impetus to the industrial energies of the country, by employing the large amount of capital which must otherwise have lain in a comparatively dormant state.

Mr. WILLIAMS understood the number of Bills which had been rejected for non-compliance with the Standing Orders, was between thirty and forty; for some of them, the longest lines, he understood, nearly half a million of money had been subscribed. He understood the hon. and learned Gentleman (the Solicitor General) to refer only to those Bills at present before the House.

The SOLICITOR GENERAL said, that the Resolutions applied to Bills at present under the consideration of Parliament.

Mr. W. COLLETT (Stamford) had no hesitation in saying that *bonâ fide* directors would do all in their power to give effect to the Resolutions of the Government. Of course he could not answer for mere provisional committee-men. But he must say he considered the former a very ill-used body. He rejoiced to hear it stated by an hon. Member of the Government, that stamped proxies were not now necessary. He, however, denied that the increase in contracts for works was an argument against the prosecution of railway enterprise; and, although in consequence of the demand, the wages of labour had risen, there had been a diminution in the price of land, and various articles necessary for the construction of the works: in fact, the contracts this year were less, upon the whole, than during the last. He hoped that, in cases where *bonâ fide* directors had called a meeting of the shareholders, and an opinion was expressed favourable to a winding-up, that that winding-up would not be taken out of the hands of the directors, who had had all the trouble, and confided to a trustee or any other party, and thereby cast a sort of slur upon the management; but that those companies who wished to wind up would be allowed to keep the arrangement of their affairs in their own hands.

Mr. GRAINGER suggested that a clause should be introduced into the Bill, compelling every party who attended a meeting of shareholders to bring with him a document, showing that he had brought his scrip or interest in the company prior to the 4th April. In all other respects he thought the Resolutions objectionable.

Mr. O'CONNELL thought the evils of the railway speculation had not been exaggerated by the right hon. Baronet opposite; and although he should not offer any opposition to the Resolutions which had been proposed, he could not help remarking how many different opinions might be formed of the proper mode of dealing with the subject. In his opinion they must establish something like a railway code, and they ought to have, too, a railway judge, and legislation might be so shaped that this judge should have jurisdiction to decide upon the several Bills which came before him. He would have the House recollect that there was nothing extravagant in this notion of having a particular judge to preside over a particular court. They had Ecclesiastical judges—Judicial judges — Admiralty judges — separate judges for the different courts of law—Criminal judges, and Registration judges, and why not have a railway judge? The hon. the Solicitor General told them that power would be taken in the Bill to compel companies to wind up upon certain conditions; but if they were to be com-

pelled there must be some tribunal to enforce it. The Act of Parliament itself would not compel them. True, they might inflict penalties for non-compliance, and then litigation would arise; and who so proper to settle the difference as an officer appointed for the purpose? and although the cost might be an additional one, he was persuaded that no real good would ever be effected until they had an established railway code and a railway judge. He would have them take from the bar some one of those intelligent gentlemen in the vigour of youth and of good practice, and make him a railway judge. It might, however, be said that the necessity for such an official would not exist beyond two or three years. His answer to that was, if there was no necessity for such a judge, let him succeed to the first vacant judgeship; and whilst he should give his support to the Resolutions, nevertheless he had deemed it right to throw out this suggestion as one which might not be unworthy of consideration.

Mr. PACKE agreed in the Resolutions before the House. He believed there had been railway lines put forward merely for the purpose of preventing competing lines which would afford a useful railway communication; he thought it unfair, by such a proceeding, by such a cajolery, to deprive persons of the advantage of railway communication.

Mr. M. GIBSON asked the Solicitor General—Suppose a person bought scrip in the market, who had no liability whatever, not being bound in any way, having signed no Parliamentary contract; if that person attended a railway meeting, where he acknowledged himself as a shareholder in the concern, by his so attending, was not his position altered, and consequently, was he not liable?

The SOLICITOR GENERAL said, that he had no hesitation in assuring the hon. Gentleman that there would not be the slightest additional responsibility incurred by scripholders by the adoption of the Resolutions before the House.

Lord G. BENTINCK: Sir, I have no desire to discourage railways when they are established upon a sound and wholesome basis, but am rejoiced to see measures passed which are calculated to encourage safe and legitimate enterprise. As regards observations that have been made by hon. Members, I cannot altogether concur in their unqualified approval of the conduct of Her Majesty's Government in reference to these matters. When the right hon. Gentleman the Chancellor of the Exchequer draws a distinction between "the people drunk" and "the people sober" as regards railway speculation, I would ask, have not Her Majesty's Ministers had a great share in making them drunk on railway shares? Up till 1844 a restriction existed of making people pay a deposit of 10*l.* per cent, before introducing their measure to this House; but in that year Her Majesty's Ministers relaxed that restriction, by reducing the deposit required from 10*l.* to 5*l.* per cent; and that, Sir, encouraged these wild speculations in railways. But in 1845 those speculations increased to a still greater height—and then was established a Railway Board, and at the head of that Board sat a nobleman of great talent, experience, and ability, the Earl of Dalhousie, the President of the Board of Trade—who did every thing in his power to discourage the wild speculation that was then going on. Her Majesty's Ministers, however, did so much to encourage the extension of railways at that time, that it could not be endured if the large and small towns did not adopt a shorter line for communication with each other, which was the cause of setting up a number of competing lines. Therefore, when the Queen's Government encouraged it, it is not to be wondered that the people should have become so excited. Why, Sir, it was not to be endured at that time that in the communication between Manchester and Liverpool there should be a round of ten or twelve miles in the line; and therefore, when the people were thus encouraged, it is not to be wondered that they should have entered into all kinds of speculation. Not satisfied with making speeches in approval of those matters, the right hon. Baronet at the head of Her Majesty's Government, became the hero of the silver trowel and mahogany wheelbarrow. Sir, I consider that in a great measure we are indebted to Her Majesty's Ministers for the wild speculations that have taken place, and in proof of that I may here remark that at Burton-on-Trent, near Tamworth, there were at one time no less than ten competing lines.

Mr. CARDWELL, without taking any notice of the concluding observations of the noble Lord, begged to state that if Her Majesty's Government could be said to have caused speculations in railways, they did so under these circumstances only—that previous to 1844 trade was not in a

very easy condition, and the money market was not in a particularly good state; but in that year matters began to mend, and railway speculation very naturally began to increase; so that if the Government had caused that speculation, it was by improving the state of trade, and rendering more easy the state of the money market. The noble Lord would not deny that the railway mania or intoxication was at its height in September and October last; and at that time it was required by the Standing Order of the House that one-tenth of the proposed capital of a railway company should be deposited.

Mr. HODGSON observed, that the Government had turned a deaf ear to all remonstrances on the subject up to 1844. But in that year, when trade revived, and any relaxation of the rule was unnecessary, they reduced the amount of deposits from 10 to 5 per cent. As to the existing regulations fixing the amount at 10 per cent, that was introduced at a late period of the Session, and speculation had previously been carried to a great extent.

Mr. T. S. DUNCOMBE believed he should be able to prove that the speculation in railways had been encouraged by people totally unconnected with the Ministry—he wished he could say equally unconnected with the two Houses of Parliament. The only blame he could attach to Her Majesty's Government was that they had not come sooner forward to say what ought to be done. In November last, the amount of railway business likely to come before Parliament was known; yet here the House had been sitting for three months, they were at the present moment floundering in the midst of an accumulation of Railway Bills, and at last the Government produced for their consideration a proposition to wait for the opinion of the present scripholders before proceeding to the third reading of such Bills. The right hon. Baronet stated that circumstances had greatly changed since these parties embarked in the undertakings with which they were severally connected; but did the right hon. Baronet suppose that they were the parties who embarked in these undertakings in September and November last? It did look very suspicious when such approbation and unanimity appeared among parties connected with the Stock Exchange in support of the Government measure. They might depend upon it that they were not going far enough. The right hon. Baronet read a letter which he said shocked him most dreadfully. The right hon. Member for Taunton (Mr. Labouchere) observed that the remark only showed the innocence of the right hon. Baronet as to what his correspondent called "rigging the market," a phrase known to every man, woman, and child at Christmas last. Did Ministers ask them now what to do? To send to a Committee upstairs the great majority of the Bills got up in that manner, fictitious values having been given to the shares. They were wading through all this mass of filth, and this "rigging of the market," so well described by the correspondent of the right hon. Baronet. When the Resolutions of the right hon. Baronet were disposed of, he (Mr. Duncombe) should propose a Resolution which would probe this matter to the bottom, and show whether railway projects were of a *bonâ fide* character or not, whether they were undertaken with a view to the public welfare, or for stock-jobbing purposes. He should propose to institute a preliminary inquiry on the part of the Committees to whom the Railway Bills must be sent for the purpose of ascertaining how and by whom those enterprises had been got up. No company that had been honestly got up could object to such a preliminary inquiry; but all the bubble schemes would dissolve into thin air, and never venture before a Committee. He was told that the parties concerned in these affairs did not care one straw about the Resolution for stopping short at the third reading, and that the only resolutions they were afraid of were the resolutions he was about to propose. It was felt that his resolutions would probe the matter to the bottom. What he proposed was—

"That it be an instruction to the Committee on every Private Bill originated in this House relating to any Railway, before proceeding with the merits of such Bill, to require to be produced before them, and verified by the Promoters—1. A copy of the original Return made for the purposes of Provisional Registration, with the names of the Promoters as then registered."

In explanation, he had to state, that any man might go and get any scheme, how absurd soever, provisionally registered on paying 5*l*. In November and September last, every man who dreamed almost of a railway got it registered. It would generally be found that most of the parties who registered were only solicitors or surveyors.

"2. The names, residences, and descriptions of the present and past Provisional Directors, Trea-

surers, Solicitors, Secretary, and other Officer, if any."

No provisional directors could object to having their names placed before the Committee appointed to consider their own Bill.

"3. The present and proposed amount of the Capital of the Company. 4. The number of Shares and the amount of each Share. 5. The number of Shares actually allotted, with the names, residences, and descriptions of the original Allottees, and the number of Shares allotted to each."

At present the House compelled the production of such information in the case of certain Bills.

"6. The amount of Subscriptions paid up by such original Allottees. 7. The amount of Shares retained by or for the Provisional Committee. 8. The amount of Subscriptions actually paid up by such Provisional Committee, upon the Shares originally allotted to them."

That, he thought, would rather show up some of these gentlemen. Surely no honest provisional committee-men would object to have such a statement produced. Every sort of animal that could be thought of had been huddled together on provisional committees. There, for example, was "the Direct Manchester, Leeds, and York Railway." It had no less than 172 of these provisional committee-men. He wished to see how many shares they had received, how many of them had paid upon those shares, how many shares had been paid upon by the whole lot. These 172 men—there were aldermen among them, Peers, Members of Parliament, deputy lieutenants, doctors of every sort, and even clergymen were implicated—but these 172 men were presented as decoys for the public. There were 172 decoys in all. The list was curious; but it would be still more curious if all those gentlemen had received letters stating that if they would only allow their names to be used on this provisional committeee, they would be guaranteed against any liability. He had received several letters of that description; but he should have nothing to do with the projects. One of these letters addressed to him was couched in the following terms :—

"Sir—I beg to forward to you a prospectus of the projected Portsmouth and Langston Railway and Dock Company, of which I respectfully solicit your perusal. The fact of the Lords of the Treasury having made a grant of the site for the proposed docks, coupled with the eminency of the engineers, Messrs. Rennie, and the high character and respectability of the solicitors, Messrs. Coverdale and Lee, will, I trust, in your opinion, fully warrant my application to you to become one of the provisional committee for carrying out this great national undertaking; and in that case to sign and return the enclosed consent. Annexed is the Company's guarantee.—I have the honour to be, Sir, your most obedient, humble servant,

"J. Pole, Assistant Secretary."

The Lords of the Treasury were actually drawn into it: then the eminence of the engineers, and the high character and respectability of the solicitors, were pressed into the service; and all these considerations were stated as fully warranting the application that he should become one of the provisional committee for carrying out "this great national undertaking." They enclose the form of the consent :—

"Sir—I request you to insert my name as one of the provisional committee of the Portsmouth and Langston Railway and Dock Company."

Then the guarantee is expressed as follows :—

"Sir—On behalf of myself and the other projectors of the Portsmouth and Langston Railway and Dock Company, I hereby guarantee you, as a member of the provisional committee, against all costs, charges, and liabilities whatsoever in any wise relating to this undertaking.

"George N. White, Secretary."

Was not that most tempting? He had got several of these applications, and so had other Gentlemen. The Solicitor General would tell him whether that was a good guarantee or not; whether he would have incurred any responsibility had he become one of the provisional committee of "the Portsmouth and Langston Railway and Dock Company;" whether Mr. George White's guarantee was good for his protection in the eye of the law. Supposing these 172 gentlemen who were provisional committee-men on "the Direct Manchester, Leeds, and York Railway" had received the same guarantee, did the House believe that this was not a gross fraud on the public?—that the public, the applicants for shares, when they saw the names of the provisional committee published to the world, were not led to the conclusion that each of them participated in the liabilities? It did behove the Committee to examine into the responsibility of the provisional committees, because they were the decoy ducks, and had misled the public at large. It had not been Her Majesty's Government, but these provisional committee-men, who had induced the public to believe that they incurred responsibilities adequate to the importance of the objects. There was a list collated from different companies, and taken from a railway newspaper, showing 102 of the clergy on these provisional committees. He had said that the clergy were equally implicated. What

would be the consequences in their respective parishes? Here were deacons and archdeacons, and rev. and right rev. Gentlemen, vicars and rectors, and others, to the number of 102, giving their spiritual sanction to these undertakings. How, then, were they to blame the farmers and the shopkeepers in their neighbourhoods? When they saw these rev. personages taking this active share—when they knew that their pastors were so occupied—knowing also that the Church always looked to its own interest, and took care of itself, it was natural for the flock to write for a number of shares. He would require also—

"9. The original Subscribers' Agreement, signed by the Allottees;" *and* "10. A Statement of the amount of money in hand, *and of the liabilities of the proposed Company:* together with an Abstract of all receipts and expenditure, up to the presentation of the Petition for the Bill."

This would show the state of the company, and it was what they owed to the holders of scrip in the present position of affairs. The shareholders might now meet and might call upon the provisional committee for the statement of the accounts; but the committee always refused the statement, and would not let them look at the books; but the Committee of that House, before it went into the merits of any Bill, ought to have this information; and the information so obtained before the Committee of the House of Commons would be a guide for the shareholders when they should hereafter come to the decision which the right hon. Gentleman asked: the House owed it to them to give this information, and it would have a most beneficial effect. Then he would further require—

"11. A statement of the source whence the (Parliamentary) deposit was paid *to the Accountant General, whether out of the deposits or by loan,* or whether a declaration was made of a surplus revenue or deposit."

The noble Lord the Member for Lynn attached great importance to the deposits, and to the difference between 5 and 10 per cent. He believed, when Parliament came to the determination with respect to the deposits, or whether a declaration was made of a surplus revenue instead of a deposit, it was with the view of ascertaining whether the enterprise was or was not *bonâ fide*, and the Resolution appeared on the face of it to secure this; but in all his experience of delusion and humbug in practice he had never known a greater than this deposit with the Accountant General; and not only was it a humbug, but great inconvenience had been experienced in the commercial world, by locking up 15,000,000*l.*, whilst at the same time they had no security that the Bill on which the deposit was paid was not a bubble scheme. What was the practice? One or two of the leading directors, or indeed any banker, would lend the money on the security of the company, if it were shown that the present liabilities did not exceed the amount of the existing deposits. A note of hand was given, and the amount of deposit placed in the Accountant General's hands. If the Bill passed, the deposit was returned to the lender, and if it were rejected it was equally returned. So that the shareholders, who fancied that at all events they had the 10 per cent to clear them, had fresh calls made, because there was no money to go on with. The money paid to the Accountant General might be only borrowed, and might be paid by the merest bubble; if there were one solid man in the company he could get the money, though they might never afterwards proceed with the Bill. The last requirement he would make was—

"12. *A statement of the source whence the additional 5 per cent required to be paid by the other House of Parliament will be paid or raised.*"

If he were correctly informed, there were Bills pending before that House, and which would come before the Committee, where the company had just mustered sufficient to meet the Standing Orders of that House and to go before the Committee, yet trusted to the chapter of accidents to meet the additional 5 per cent required by the Standing Orders of the House of Lords. The chance of a profit on the shares might induce the directors to make the additional advance; but, at least, before they went before a Committee on the merits, they should show they had a reasonable probability of providing the 5 per cent to meet the extra payments. He believed that, in mony instances, this could not be done, owing to the bad odour of these schemes in the market. If these requirements were agreed to, he would move in addition—

"*And that, in case the said Committee shall find that these particulars, or any of them, are not furnished, or shall be of opinion that the said intended railway was not originally proposed, or has not been carried on* bonâ fide *or from any other cause is not likely to be executed if the Bill be passed, the said Committee shall desist from proceeding with the said Bill, and shall report the facts to the House. And that the Committee reporting on the Railway*

Bill report specially on each of the foregoing particulars."

He hoped Her Majesty's Government would agree to these resolutions, in addition to those which the House had virtually sanctioned. If they should adopt them they would save an infinity of trouble, for the bubble schemes would not come to pass such an ordeal. The provisional committeemen of such schemes would take care to keep out of sight; to whatever class of society they belonged, they would not expose themselves to this searching inquiry; and they would thus give the shareholder not only a remedy for the past, but a security for the future. If any verbal amendments could be made in his resolutions to render them more stringent he would be happy to adopt them; but the House would not do its duty if they allowed Committees to sit on these rotten Bills—for he could call them nothing else—unless they probed the schemes to the bottom, and, in fact, turned them inside out; a plan to which no honest scheme could possibly object.

Mr. M. MILNES said, that it had been before proved that many companies, beneficial to the public, had not originated in a way which would bear the strictest inquiry; and though the hon. Member's inquiries would be extremely amusing, and the "Mysteries of Capel-court" might rival in popularity the *Mysteries of Paris*, he doubted whether so intricate an inquiry would lead to any practical result. He thought the hon. Gentleman had forgotten a party he did not often overlook—the interests of the public. There were, perhaps, a greater number under consideration at present than there ever would be again; and he would therefore request that they should all have an opportunity of coming fairly before their Committees. Although he admitted that public morality should be considered, yet he was of opinion that even that was of less importance than the interests of the public which were at stake; and it was for their interest that they should have the best possible lines, and he therefore trusted that no resolution of Her Majesty's Government would prevent those schemes from coming before the Committees of the House, in order that they might be able to select from amongst them which were the best.

Mr. DISRAELI said: Although the House is not so full as I have seen it upon other occasions, I believe it will not be denied that the question we are discussing is one of great public importance. Sir, I am of opinion that the Resolutions proposed by the hon. Member for Finsbury contain, as far as I could catch their import, a great deal of good sense. I am not disposed to oppose the Resolutions brought forward by the Government to-night: but I cannot see why, if the public welfare had been at all considered, that so much time has been suffered to elapse—how it is that at so late a period Resolutions have been offered for the consideration of the House, and that no Member of the Opposition, nor of the Government, has previously thought fit to take such a step? Now, you are all ready to acknowledge that the mischief has been done, and you are all ready to propose a remedy. One thing, I think, is quite evident, that the Administration has not been found equal to the emergency which has arisen. I cannot understand why the Government of this country—a country so renowned for the amount of its capital, for its skill and industry, and for the facility with which it applies capital and labour to public works—why the Administration of such a country should be less prepared for an exigency such as that which lately arose, than the Government, I will say, of a neighbouring country not so renowned for capital, skill, or labour—France. When the occasion presented itself, the Administration of France was prepared to grapple with it; and, although they may have committed some errors, they must at least get credit for not shrinking from attempting to guide the powers which arose, and for preventing ferment and confusion. I recollect when people complained of the delay and difficulty of prosecuting these enterprises in France; but I don't suppose anybody complains of delay now. The general complaint is, that too much facility was given to speculation in England; and our neighbours must feel that, with respect to the construction of public works, they possess some advantages over us in having an Administration which directs enterprise, and which does not leave all to chance. It strikes me as rather singular, that at the same moment the House of Commons is called upon to limit the application of capital and labour, it is also called upon to pass measures which have a reverse tendency; and the Government which introduces them, protesting against anybody interfering with the administration of capital—anybody coming forward to regulate its exercise. The supporters of those measures exclaim against protection to either capital or labour; but every Gentle-

man who speaks upon the present question, as well as those who are silent, particularly those who hold shares, must feel the necessity of protection. Her Majesty's Government have on this subject more than once interfered, but in a very feeble and timid manner. They have in the course of two years twice changed the qualification which permitted a Bill to solicit our attention. This of itself shows, I think, that they could not have had any definite opinion, or any confidence in their own convictions on the subject. The hon. Member for Finsbury expresses an opinion which I believe is very common, namely, that the precaution as regards deposit—whatever be its rate—whether it be five per cent or double that amount, is equally inefficacious. How little the Government of the country thought on this business, how wavering were their opinions, how imperfect their information, may be seen by the fact, that in the course of two years, even upon the subject of qualification, they twice changed its nature, and again referred to a qualification which eighteen months before they had rejected. All this proves to me that the Government of the country was totally inefficient and unequal to the occasion. I think that upon the Government must be visited a great deal of the mischief, loss, and ruin which have occurred. My noble Friend the Member for Lynn has noticed the dramatic performance whtch, no doubt, produced much effect on the public mind—the Prime Minister of England breaking the first sod of the Trent Valley Railway. That was in October last, the very period when the Secretary for the Treasury admits the railway mania was at its height. What! the Prime Minister himself—the Minister of finance, who is most eminent for his knowledge of finance—whose chief pride it is to be considered an able finance Minister—was he to be found, at a period which the Secretary of the Treasury described as the moment when the railway mania was at its height, coming forward with all the paraphernalia and dramatic effect of which the occasion was susceptible, and giving all that impulse to railway speculation which, nobody could deny, did much to stimulate it. To show, Sir, that I am not in any way exaggerating the effect which that performance produced, I could read to the House some documents which are in my possession, and which, I dare say, the hon. Member for Finsbury has seen among the railway archives—I may allude in particular to a railway prospectus, headed with an extract from the speech of the Prime Minister, delivered on the occasion referred to. I repeat, that it was just at that time when the Secretary to the Treasury says the railway mania was at its height, that the First Minister of the Crown thought fit to come forward, and, in a manner the most striking, give his sanction, and thereby an unnatural impulse to it. I remember that a few months previously the right hon. Baronet made a speech, which is to be found in a work no longer mentionable, and to which I shall not, therefore, more explicitly refer, but of which speech I will read an extract to the House:—

"The tendency of the improvements which were almost daily introduced, was decidedly in favour of the shortest lines. He had expressed this opinion in the year 1839. They had chosen to establish a railroad between Liverpool, Manchester, and London; and it was thought desirable that it should go round by Birmingham. Include Birmingham, by all means, in your line between Liverpool and London: it is useless to take a shorter line, through a country much less productive. He then ventured to predict that the people of Liverpool and of Manchester would not be sent round ten or twelve miles out of the direct line in their journey to the metropolis."

That was the language of the right hon. Baronet only as far back as March, 1845. Notwithstanding the immense works created, the extraordinary amount of capital invested in order to save ten or twelve miles, the people of Liverpool, the right hon. Baronet said, would not go out of their way, and would have a direct line between Liverpool and London. That was, I repeat in March, 1845; it was in October, 1845, that the right hon. Gentleman attended at the ceremony of the Trent Valley Railway, and yet the right hon. Gentleman, it is said is not to be held responsible for those various results which have arisen from excessive speculation, and which the House and the country have now to deplore. I rose on this occasion to refer to the observations made by the Secretary to the Treasury, in reply to my noble Friend the Member for Lynn. A point was made by my noble Friend—most clearly and intelligibly made—an unanswerable argument; but which the hon. Gentleman (the Secretary for the Treasury) strangely, but perhaps unintentionally misconceived. I have noticed on this, as well as upon many preceding occasions, the sort of anxiety which seems to exist among the Members of the Government, that it should be generally supposed they had a sort of partnership with Providence. The

Government always seem to apply this when talking of the country. They seem to entertain a particular desire to show the House and the country that they owe a deep debt of gratitude to them for the good harvest with which we were blessed. They never make any allusion to the prosperity of the country, without at the same time telling us that they were Ministers when this prosperity was experienced. So that if you want to know what the price of wheat was, or what was the state of the weather, or the condition of the labour market at a particular time, you must refer to the Red Book, and you must refer at the same time to the first page of *Hansard*, to ascertain who was the First Lord of the Treasury. We all know that there was considerable prosperity in this country—we don't deny the fact—and are perfectly ready to give the Government credit for all they have really done—much more indeed than for what they propose doing—but, nevertheless, we are of opinion that the harvest had some influence on that prosperity, and that when money was rife in the market, it was not absolutely necessary that the existence of a particular Government should be brought into consideration, in estimating the public weal. But, Sir, the present state of affairs seems to be the catastrophe of the plot. It is rather unfortunate, considering that we have been governed by institutions older and longer than any country in Europe—although the moral tone of England need not shrink from comparison with that of any other nation in the world—it is most unfortunate, I say, that in such a country so insane a desire for the accumulation of wealth should exist—a desire which has always originated on as flimsy a basis as the present—which leads to mad speculations, and terminates in private ruin and public distress. The Prime Minister has not been found able to cope with the emergency—he has not been found equal to the occasion any more than Aislabie was on a nearly similar one—the one might be pure as the other was corrupt, but both were unequal to the emergency. But let us now at least draw some lesson from the past—let us reflect, and we must now come to the conclusion that it is the duty of a Government, whether that Government be Whig, or whether it be Conservative, to govern the tone of the public mind, and to watch the pulse of the public fortunes. This system of letting everything take its course has been of late the fashionable one among the advocates of political economy; it is the course which we have been all latterly encouraged to pursue, but is one, Sir, which, in my humble opinion, is hurrying on this country to ruin and degradation. We now seize upon this particular question—we take you at this moment when in a thin House, and with as little noise as possible you are endeavouring to assert a principle which you have already disavowed—we now catch you crying *peccavi*; for though the subject under discussion has not excited so much attention as it deserved, it is pregnant with consequences—we seize upon you at this moment, and we contrast your present opinions with the flourishing speeches you were wont to make upon free trade, the evils of protection, and your vehement protests against the interference with capital and labour. You have allowed things to take their course, and you now come forward and tell us that the public fortunes are endangered. But you did not say they were in danger a few weeks ago when you painted the country as in a state of great prosperity; when you talked of the amount of labour employed, of the extent of capital invested, and of the premiums upon these schemes, what wealth and advantages were likely to flow from them, and how many years the population would be employed on them, and how many years you would have to try your newfangled experiments on the commerce of the country. You talked very large about thirty, forty, and ninety millions a year being employed in railroads—you might do anything—you might throw the Corn Laws to the winds—you might even defy your colonial connection, so long as the railroads went on, and the people would be employed—you flourished your Trent Valley scheme, and you expected a long run—shares were at a high premium, and the public sympathized with a philosophical Government. Such were your past professions—what is your present conduct? The face is things is changed — all are agreed upon that—the senators have become stags—the public, like all people losing money, begin to moralize. They think that if money cannot be made upon premiums on railway shares with that rapid facility with which they have been too long familiar, that it may be necessary to fall back upon the good old system of regulating our industry and our commerce—of maintaining and promoting our colonial connexions; and you, who have so often preached to us for occasioning delay

in the discussion of a great measure, have forgotten the wisest saying of one of the wisest men of modern times—Frederick the Great—who said, "He who gains time gains everything." When we opposed the economical measures of the Government, we opposed the Minister who was proud at having cut the first sod of the Trent Valley Railway—we were opposing a Minister who came forward to uphold a system of a dangerous tendency, and to repress those empirical adventurers, because a great part of the population would be employed, and because there would be premiums upon shares for many years. But now we have to discuss this question in sober sadness. Sir, I do not think the discussion of this evening will be soon forgotten; and when the Minister again calculates the resources of the country—when he contemplates the prospects of the population of the country, the means of employment, and the modes by which they are to subsist, he shall at least be forced to look at the essential resources of the State, and not upon the Legislature, for the encouragement of gambling projects, nor upon those visionary adventures which seem to me to have too much influenced the conduct and decision of cabinets and statesmen.

Mr. BRIGHT said, the hon. Member for Shrewsbury and the noble Lord the Member for Lynn had taken an unjust and ungenerous course in opposition to the Government. They threw the whole discredit of the railway speculations upon the Government. But time was when they were as loud as any in praising the Government. It was only when Ministers proposed to repeal the Corn Laws that these Gentlemen found out they were undeserving of their confidence. The true secret of the late violent speculation was, that for many years capitalists had made no profits; and that as soon as a period of sunshine occurred, they wished, in the words of the adage, to "make hay" in it. Hence the rash and insane desire to obtain in one year an amount of profit that ought to be spread over two or three, or several years. He believed that when the Corn Law was repealed, speculations would become more steady; and that they would not see trade prostrate one year, and excited to an extraordinary degree in another. These fluctuations had arisen from the interference of that House with the trade of the country, and when that interference was withdrawn those fluctuations would cease. The noble Lord opposite (Lord G. Bentinck) was the last person to taunt the Government on the score of encouraging speculation, because he remembered that when he first entered the House the noble Lord was night after night very constant in his attendance to watch the progress of a certain Bill that was passing through that House, defending certain parties who had made speculations and were in danger from gambling—gambling, too, which was contrary to the spirit and the letter of the law. That noble Lord was not the man who ought to dictate to the House on this subject; not set up his authority in reprobation of all matters connected with speculation and gambling.

Resolutions proposed by Sir R. PEEL agreed to.

Mr. T. DUNCOMBE moved the Resolutions which he read in his speech.

After a brief coversation these Resolutions were agreed to, except the 12th, which was withdrawn. The words we have printed in italics were omitted, and those we have placed within brackets added.

AUSTRIAN AUTHORITIES IN GALICIA.

Mr. C. BULLER rose to put a question to the right hon. Baronet, of which he had given him notice. It was a lamentable state of things to which it related. It had been reported, that during the late insurrection in the Austrian province of Galicia, the authorities had issued a proclamation offering a reward of so many dollars for the heads of different gentlemen who should be brought in, dead or alive. The question he wished to put to the right hon. Baronet was, whether it were true that the Austrian Government had addressed a note to the European Courts contradicting or explaining that report? and, if so, whether a copy of that note could be laid before the House?

Sir R. PEEL: The Austrian Government has not made any communication to our Government upon the subject to which the question of the hon. and learned Gentleman refers; and I am not aware that the Austrian Government has made any official communication upon the subject to any other European Government; it has certainly made none to this. A communication, authorized by the Austrian Government, has been made, not to this Government, which contains a most peremptory contradiction of the report.

DUTY ON TEA.

Viscount SANDON then moved for copies of all memorials addressed to the

First Lord of the Treasury and the President of the Board of Trade, praying for a reduction of the duty on tea. It was most desirable that the attention of the House and of Her Majesty's Government should be called to the enormous duty upon tea: unless they were prepared to make a considerable reduction of duty upon that important article, it was impossible to reap from the open intercourse with China the advantages we hoped to derive from it. He admitted that the consumption of tea had increased; but not in proportion to the increase of the population, nor in proportion to the increase in the consumption of coffee. Dividing the aggregate consumption of tea for the last ten years into periods of five years, he found that the average consumption of the first five years was 38,118,000lb. per year, and for the last five years 39,914,000 lb., notwithstanding the increase of the population. In the same period the consumption of coffee had increased from 25,000,000lb. to 34,000,000lb. The operation of this heavy duty was to deprive the people of this country of an innocent beverage, whilst it tended to starve our trade with China, from the impossibility of finding returns for our manufactures. The result of the correspondence he had had respecting this subject was, that it was impossible to carry on trade with China in cash; that it was a trade of barter, and we must take the produce of China in return for our exports. Hitherto there had been only two articles we could import, silk and tea, and the duty upon the latter article placed a limit to the exportation of our manufactures to China. It stood to reason that a duty of from 200 to 250 per cent on the main production of China must produce a strong feeling against, and very prejudicial notions of the commercial spirit of this country. They would the more readily arrive at such conclusion from a comparison of the conduct of England with that of other countries; for we were the only one in the world that imposed any high duty on tea. Into America tea was imported duty free; into Holland with a duty of $1\frac{1}{2}d.$, and of $4d.$ per lb. on the highest qualities. Into Australia, to go to our own Colonies, it was imported at a duty of 10 per cent. Into Newfoundland, at a duty of $3d.$ per pound; and in Guernsey there was no duty at all upon tea, and what was the result? In Australia it was consumed at the rate of 11 pounds, $11\frac{1}{4}d.$ per head, while in England it was at $1l.$, or $1\frac{3}{4}d.$ per head; and in Guernsey the consumption was $4l.$ per head. He was not of that sanguine school which looked for a compensation to the revenue by the reduction of a duty in the instantaneous increase of consumption; but he certainly thought that if there was any one article more than others upon which such an experiment might safely be tried, that article was tea. And then it should be remembered that, in the case of tea, a reduction of duty would be followed by an increased consumption of, and therefore increased revenue from sugar; for every pound of tea there were five pounds of sugar consumed; and this fact might therefore induce the Chancellor of the Exchequer to look upon tea with some favour. It would not be denied that an extension of our commercial relations with China was most desirable; and that result could not be attained otherwise than by a reduction of the duty on tea. It was well known in this country that the markets of China could absorb any extent of manufactures; but a trade on that great scale would never be accomplished unless we consented to deal with the Chinese people on a footing of something like reciprocity.

Mr. MOFFATT seconded the Motion. The importance of the subject would, he hoped, be accepted as his apology for occupying the attention of the House at that late hour. This was no mere fiscal question, no mere question of the amount of revenue to be derived from a particular article, but a question affecting the permanent welfare of our all-important Indian commerce; for, let it be kept in mind, the commerce of England, India, and China, were so closely interwoven, that, unless the China commerce with England and India was flourishing, the English commerce with India was nearly affected. What was the state of our commercial intercourse with China? That we exported to China five millions of goods annually, and only took from China three millions of its commodities in return, receiving the balance in bullion. The exports of Great Britain and India together to China, in 1844, amounted to merchandise, 4,016,264*l.*; opium, 4,855,338*l.*; total, 8,871,602*l.* While the imports from China were, merchandise, 4,379,346*l.*, leaving to be paid in bullion the sum of 3,403,209*l.* This drainage on our part of bullion from China, which had been going on for the last twenty years had been and continued to be a cause of great and bitter complaint against us in China: the late war, in truth, owed its

origin not to the opium question, but to the drainage of Sycee silver from China, instead of taking her commodities in exchange for the opium. The drain of bullion had been gradually increasing, from the year 1831, when 900,000*l.* was exported from China, to the last year on record, when 3,700,000*l.* was taken and abstracted from that country; and in this fact had originated the hostile feelings of the Chinese towards the English. The right hon. the Chancellor of the Exchequer would recollect that this exhaustion of the precious metals had always dissatisfied the Chinese. In fact, all their proclamations showed that as distinctly as any documents could do. He need hardly call the attention of the right hon. the Chancellor of the Exchequer to this fact; for it would be admitted by all that this had been the source of the ill feeling entertained by China against the English. At the shipment of the last silver, a crowd had gathered, and the strongest feeling had been expressed against the abstraction of the silver —not because it was paid in the shape of ransom money, but from the belief that its exportation was the cause of national distress. Year after year the Chinese Government had been remonstrating against this state of things. In 1834, it had declared—"The barbarian merchants have clandestinely sold opium for money; thus money has been going out of the country, and none comes in." In 1836 the same complaint was made. It said—"The money thus lost is entirely the fine silver of the inner land." In 1838—"The price of silver daily increases: this does not arise from any scarcity, but the fact is occasioned by the silver flowing to the outside foreigners. Now the whole empire knows that the leak in the cup is occasioned by opium." It could not be denied that the opium trade had been productive of very considerable imports from China; it would be admitted on all hands that both exports and imports had considerably increased; but the question was whether our exports to China had not been increased to a very much larger extent than our imports from that country. It was true our imports of tea had largely increased. Our consumption had risen from thirty-two to forty-five million pounds; but that was chiefly referable to the recent reductions. The Chancellor of the Exchequer, on a former occasion, had declared, when the duty was fixed at 2*s.* 2¼*d.*, that all he required was three millions and a half of revenue, and with that he would be perfectly satisfied; but, owing to the increase that had taken place in the consumption, the revenue from that article was now 4,826,390*l.* Amidst all the great fiscal changes that were taking place, it appeared to be fixed and settled that tea was to be the last article to derive any benefit from the alleviative course now going on. It was quite obvious that no apprehensions of a deficiency of revenue need be entertained from the reduction in the duty on tea. In the case of every other article of large general consumption, in which reductions of duty had been made, it had been found that the reduction had quickly compensated the revenue by increased consumption. It was scarcely necessary to call the attention of the Chancellor of the Exchequer to the numerous instances in which this principle had been exemplified. He might refer to sugar; but he would rather quote an article, in reference to which the facts were less generally known. In 1823, the duty on cocoa was one shilling per lb.; the consumption was then 286,657 pounds. In 1831, the duty was reduced, 50 per cent, to sixpence, and the consumption doubled, being in that year 502,506 lbs. In 1832, the duty was again reduced from 6*d.* to 2*d.*; the consumption then increased to 1,150,193 lbs. In 1844 it was still further reduced to a penny; and the consumption was again doubled, being then 2,590,528 lbs. The article of coffee exhibited a still more extraordinary increase of consumption, in proportion as the duty had been reduced. In 1807, the duty on colonial coffee was 1*s.* 8*d.* per lb., and the consumption then amounted to 1,170,164 lbs. Successive reductions were made; and in 1809, when the duty was 7*d.*, the consumption was 9,251,847 lbs. In 1819, the duty was raised again to 1*s.*, and this was immediately followed by a decline in the consumption to 7,993,040 lbs. In 1831, the duty was reduced to 6*d.*, and the consumption increased threefold, being then 22,740,327 lbs. In 1845, the duty on colonial coffee had been reduced to 4*d.* per lb., and the consumption had risen to 34,318,000 lbs., thus producing a larger amount of revenue than had been derived from the higher duty. Those who had watched the operation of price upon consumption, would agree with him that the effect had been, in almost every case, an increase of consumption in an equal ratio to the reduction of cost to the consumer. In tea also there had been a continuous

depreciation in price, with a steady advance of consumption; and he could not help thinking, that if the Chancellor of the Exchequer rightly estimated these facts, he would, for the sake of increasing the revenue from tea, reduce the duty on that article. The present consumption of tea was 44,127,000 pounds; and it might fairly be assumed, that a reduction of one shilling per lb. in the amount of duty, would cause an increase of 50 per cent in the consumption. The present amount of revenue was 4,826,390*l.*; deducting 2,206,350*l.*, for the reduction of one shilling per lb. in the duty, and adding 1,310,020*l.* for the duty on the increased quantity consumed, there would still remain a loss to the revenue of about 900,000*l.* But it should be borne in mind that this increased consumption of tea would of necessity cause a large increase in the consumption of sugar; and though he was not so sanguine on this subject as the noble Lord (Lord Sandon) who had moved the Resolution, and who assumed that for every additional pound of tea there would be consumed five additional pounds of sugar, yet from the result of a careful calculation, formed on an average from returns obtained of the respective quantities of sugar consumed to each pound of tea, by different classes of society, he was convinced that the proportionate increase in the consumption of sugar would be at least $3\frac{3}{4}$ pounds to one pound of tea. This would be equivalent to an increased consumption of 738,821 cwts. of sugar, which, at the reduced duty of 19*s.* 10*d.* per cwt., as proposed on free labour sugar, would yield an additional revenue of 732,665*l.*; thus reducing the loss to the revenue at first, by the reduction of the duty on tea, to 167,000*l.* But as the consumption would go on increasing, there was no doubt that this trifling deficiency would soon be made up, and that a surplus revenue would be the result. Such being the facts, he thought the experiment of a reduction of duty might safely be made, and made at an early period. Our commercial relations with China demanded this concession; the Chinese admitted our manufactures at very low duties, and had nothing to give in return but tea. During the present year the loss to the tea importers was equivalent to 600,000*l.* It was about twenty per cent on the whole value of the tea imported into this country. On many teas it was more than thirty per cent; on some it was less than twenty. The Chancellor of the Exchequer shook his head, and seemed to think he had nothing to do with that. He (Mr. Moffatt) thought the Government had much to do with fiscal obstructions to any branch of commerce. It was not equitable when, by the Treaty with China, English manufactures were admitted at low rates of duty, the principal article of Chinese export should be subject to such enormous charges as 200 or 300 per cent. Contrast our conduct to China with that pursued towards other countries. The goods of Russia were admitted into this country at very low rates; while it levied high duties on some, and excluded many of the manufactures of this country. The duties with France had been reduced; and to this moment our woollen and cotton goods were prohibited there. In China the duties on English goods were from five to ten per cent; and in England they were from 100 to 300 per cent. He could scarcely believe that the distinguished officer who had made that Treaty thought it was to be thus carried out. How long would that Treaty last? It was hardly to be expected that the Chinese should continue to admit our goods at low duties, while theirs were subject to almost prohibitory rates here. The noble Lord (Lord Sandon) had stated that he scarcely hoped that any present reduction would be made in the tea duties; but the hope was very strongly held by the merchants and manufacturers that the Government would recognise the importance of the subject, and would take the case into its early consideration. In asking that, he did not think that the merchants and manufacturers asked too much; and he hoped that the Government would give it their full and prompt consideration.

The CHANCELLOR OF THE EXCHEQUER was understood to say that he had no objection to the production of the memorials moved for by his noble Friend. If they were laid before the House, no doubt important information would be furnished by persons most conversant in the trade. The hon. Gentleman opposite seemed to think that he (the Chancellor of the Exchequer) should be prepared to state whether the Government meant to propose a reduction in the duty on tea. Now he did not think that it was consistent with his public duty at present to say what were the intentions of the Government. His noble Friend had taken a very correct view of what would probably be the financial state of the present Session. It should be recollected that the revenue on tea was very little short of five millions, and that

the general revenue of the country was not in a state to allow of such a loss of revenue as would result from a large reduction in the duty on tea. A small reduction of the duty on that article would not give the benefit of it to the consumer, but to another class. His noble Friend and the hon. Gentleman had drawn a parallel between the duty on tea and that on other articles; but he did not think that it stood exactly on the same footing. The hon. Gentleman alluded to the reduction of the duties on articles the production of European countries, and he said that, therefore, they should make a similar reduction on the produce of China. He did not dispute, as a general principle, that they should impose the lowest possible duty that was consistent with the interest of the revenue. The honourable Gentleman had alluded to the application of this principle with respect to other articles; but with regard to several of them, they gave great advantage to colonial produce, as compared with the produce of other countries. His noble Friend, in recommending a reduction in the duty on tea, said that the effect would be a large increase in the amount of the sugar duties. Now, the House would remember that last year, when he recommended a large reduction in the duty on sugar, he said that in doing so he looked to an increase in the consumption of tea in consequence of it, and that this would go some way to make up for the loss of revenue in sugar. In 1844 he had received a deputation on this subject, which had assured him that unless there was immediately a very large reduction in the duty on tea, it was impossible that the amount of the exports to China could be kept up. At that time our exports to China amounted to 1,500,000*l.*, but the year after they had increased to 2,800,000*l.* Therefore, though he did not dispute the general principle laid down by the noble Lord, that a reduction of duty would increase our trade, his case was not to be regarded as quite so strong as at first sight appeared, especially when they found that the persons most conversant with the subject were mistaken on this point. He was not prepared to hold out any expectations as to the course which Government would pursue, though he had no objection to produce the memorial moved for—a document which would be entitled to the fullest consideration, considering it to be the production of persons well acquainted with all the details of the question before the House.

Mr. J. A. SMITH expressed the satisfaction he felt that this most important question had been brought under the notice not only of the House but of Her Majesty's Government, and he sincerely hoped, notwithstanding what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, that before this discussion closed the right hon. Baronet at the head of the Government would give some expression to his sentiments upon a question which involved far greater and even more important interests than those of the mere consumers of the article of tea. While he admitted that the question of revenue must be paramount in the consideration of the Government, yet he in his conscience believed that by a reduction of the duties on that article of import, one of the most important openings to commercial enterprise that ever occurred would be secured, if an intelligent and wise use was made of the opportunity. Something ought to be done to meet the liberal tariff of the Chinese Government. Confirming, as he was able to do, in the strongest possible manner, the statements which had been made as to the condition, during the last eighteen months, of the tea-trade by his hon. Friend the Member for Dartmouth (Mr. Moffatt), he could assure the Government that unless a great change was made in the tea duties, and that the limits which were put upon the trade with China were removed, the commerce between this country and China would undergo a most serious and rapid decrease. Although he did not expect that the Government would be prepared to give any pledge on the subject, yet he hoped some evidence would be given to-night which would satisfy the House and the public that this important question occupied the attention of the Government, and that the interests neither of the consumers nor of those trading to China would be lost sight of.

Mr. ENTWISLE supported the Motion, and said the duties upon tea offered a fair subject for the application of those principles of free trade which had occupied so much attention on both sides of the House. He reminded the House that the people of China would trade with those countries with which they could do so on the most equitable terms; and their good feeling towards this country depended upon the liberality with which they were treated. He conceived that an opportunity like this of largely extending their trade with that country should not be

neglected, but should, on the contrary, be taken the advantage of; and he was of opinion that the greatest security they could enjoy against foreign competion would be such increased demand for their manufactures.

Mr. WYSE said, there had been a considerable improvement in the consumption of tea in Ireland, particularly in the towns, and that consumption was likely to be still further increased if a reduction of duty should take place. Considering the evidence before them, with respect to the increased consumption of coffee resulting from the diminution of the duty on that article, they should expect that the same result would follow from the reduction of the duty on tea. It should be recollected, that the establishment of the principle of temperance had tended to supersede the use of spirituous liquors and other drinks of that description, and that fact alone should afford an additional inducement to the Chancellor of the Exchequer to reduce the duty on tea.

Motion agreed to.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, April 24, 1846.

Minutes.] Public Bills. — 1ª· Railway, &c. Deposits; Commons Inclosure.

2ª· Deodands Abolition; Death by Accidents Compensation.

Petitions Presented. By Lord Redesdale, from Inverness, and several other places, for the Better Observance of, and for the prevention of the Sale of Intoxicating Liquors on, the Sabbath.—From Lichfield, for the Adoption of a Measure for the Employment and Reformation of Discharged Prisoners.—By Lord Beaumont, and Earl of Eldon, from several places, against the Charitable Trusts Bill.—By the Duke of Cleveland, from Durham, in favour of the Corn Laws.—From Incorporation of Gardeners of the Royal Burgh of Glasgow, against the Burghs (Scotland) Bill.—From Noblemen and others of the County and the County of the Town of Galway, praying for the Advancement of Public Money for the carrying on of certain Public Works in Ireland.

DEODANDS ABOLITION BILL AND DEATHS BY ACCIDENT COMPENSATION BILL.

Lord CAMPBELL said, that in rising to move the second reading of the two Bills which he had laid on their Lordships' Table, it was, he believed, not necessary that he should say more than a very few words, as he was not aware that any opposition was likely to be offered to his Motion. One of these Bills was for the abolition of deodands, and the other was for granting compensation in cases of death by accident. Under the existing law, the relatives of the person killed could receive no compensation, no matter what the degree of negligence occasioning the death might be. Any pecuniary mulct that might be inflicted would go to the Crown, or to the lord of the manor; and the formalities were such that it was hardly possible that an inquiry before the coroner could be so conducted as afterwards to stand fire in the Court of Queen's Bench. In the progress of the Bill of last Session through their Lordships' House, his noble and learned Friend on the Woolsack had been authorized by Her Majesty to give Her Majesty's gracious consent to the introduction of the measure; and he had no doubt that a similar favour would be extended to this Bill. With regard to the question of deodands, he might mention, that Mr. Wakley, the coroner for the county of Middlesex, a gentleman very active and of very great experience as a coroner, had authorized him to say that he had found no benefit whatever to arise from the present law of deodands. He (Lord Campbell) had a great respect for the common law; but still he felt that there could be no doubt that some of its doctrines were not applicable to the present state of society. One of these doctrines was, that the life of a man was so valuable that they could not put any estimate upon it in case of a death by accident; and, therefore, if a man had his leg broken, on account of negligence on the part of coach-proprietors or of a railway company, he had his remedy in a court of justice; but if the negligence were still grosser, and if a life were destroyed, there was no remedy whatever. In Scotland, and in foreign countries, the general rule was, that where there was a wrong which worked injuriously to another, the law gave compensation; and that law had been acted on in a recent instance in France—the trial of M. de Beauvallon on a charge of murder; but, in this country, if death ensued, the civil injury merged in the felony; and this state of the law was, he thought, highly discreditable. He was sorry to perceive that some disposition appeared to exist among hon. and learned Gentleman elsewhere to oppose this measure; but this he could say, that his noble and learned Friend the Lord Chief Justice of England had expressed his unqualified approbation of its merits. Some of his learned Friends thought, however, that the law of England was absolute perfection, and that any attempt to infringe upon it should be resisted.

He was told, that the resistance to this measure, in the other House of Parliament, would be also increased by the influence of railway companies there, and that this influence was so great that one railway company alone could muster no less than eighty votes. But though there might be a great many hon. Gentlemen in the House of Commons proprietors in railway companies, he trusted that when they came to consider these Bills, they would forget that they were directors, and consider only that they were citizens and subjects, and that, as men, it was their duty to give their support to them.

Lord LYTTELTON said, it might be remembered that last year he had introduced a Bill having the same object as the measure now before the House; and he only rose at present to express his great satisfaction that the subject had fallen into so much more able hands. He would support both these Bills; but he would confess that he viewed with some anxiety their progress through the other House of Parliament. The objections to them were, however, he believed, rather of a technical nature than of any other kind, and he trusted they might be provided against.

Lord BROUGHAM said, he certainly agreed with his noble and learned Friend, and with the noble Lord who had just spoken in favour of these Bills. He was one of those who had attended most carefully on the Committee on this matter, and he was not aware until it had been now stated that the objections alluded to were entertained against the measure elsewhere. Nothing could be more clear than the grounds on which his noble and learned Friend had rested these very important measures. The law of England was, with regard to the subject of compensation for loss of life, an exception to the law of every other country; and this very fantastical reason was given for a very bad law—the badness of the law being only equalled by the badness of the reason—that the value of life was so very great that nothing could be a compensation for it: because they could not give an infinite value for a life, they refused to give any value at all for it. The argument, in fact, blew hot and cold, because it made life either infinitely valuable, or of no value whatever. He thought they were much indebted to his noble and learned Friend for having taken up the subject, and he trusted that both Bills would be allowed to become law.

The LORD CHANCELLOR said, as it was necessary to obtain the assent of the Crown to the passing of a Bill on the subject of deodands, he had applied to Her Majesty last Session, and had obtained Her Majesty's assent to the Bill then before the House, and he thought he could undertake to obtain the assent of the Crown in favour of the present measure also. As to the other Bill, he thought it would be worth while to ascertain what were the technical grounds entertained against it in the other House of Parliament, in order that this might be provided against.

Lord BROUGHAM said, the assent of the Crown could be given to the Bill at any time.

Bills read 2ª.

PROGRESS OF THE NEW HOUSES OF PARLIAMENT.

The Marquess of CLANRICARDE said, a Notice of Motion had been given for that evening for taking into consideration the evidence reported to the House by the Select Committee on the Building of the Houses of Parliament, which he had now to move should be discharged. He did not wish to make such a Motion as that at present, because he thought, from what seemed to be the opinion of their Lordships' House on the last night that the subject was debated, it was better to leave the matter, at least for the present, in the hands of Her Majesty's Government. He would therefore move, with their Lordships' permission, that the Order be discharged; but, at the same time, he intended to ask his noble Relative at the head of the Woods and Forests what progress had been made in this matter; for whatever confidence might be placed in that department of the Government, they could not overlook the importance of having a subject in which they were so much interested kept under their Lordships' immediate eye. There was one answer given by Mr. Barry, in the course of the recent evidence, with which he was not altogether satisfied. He was told that it had been generally understood that the Lords would be in their new House at the commencement of the next Session, and in his answer he said—

"I may, however, be permitted to observe that the expectation which their Lordships have been induced to entertain is, I fear, not grounded on any evidence given before the Select Committee. It must depend entirely on circumstances whether they will be able to enter the House in the next Session or not."

Why, it certainly would depend on circumstances, but one of the most material of

these circumstances lay in the goodwill and exertion of Mr. Barry himself. He begged also to say, that he believed there was not a noble Member of the Select Committeee who did not consider that it had been clearly proved by the evidence that it was not only possible, but easy, to have their own House prepared for them by the opening of the next Session, if proper exertion was used. It would be really disgraceful, he would not say to this country, but to this town, considering the great works that were completed in other towns, and the still greater works that were erected in other countries in a short time, if, with due care and exertion, a work so far advanced as was their Lordships' House could not be completed in the time that would elapse before the next Session commenced. There was an express understanding with the House of Commons originally that their Lordships' convenience should in the first instance be provided for; and yet, notwithstanding that engagement, he believed that fifteen or twenty committee-rooms were to be immediately opened in the new building for the use of the Members of the other House. Now, he did not object to that being done for the public service and for public convenience; but he regarded it as affording strong ground for supposing that their Lordships' interests were not attended to as they might be. He really did think that they ought not to be trifled with; and he hoped his noble Relative would be able to inform them what was doing at the present moment; what prospect there was of the House being finished; and what exertions were made to effect that object. He hoped, also, that his noble Relative would be able to hold out a promise that there would be no more squabbles permitted between the architect and Dr. Reid.

Viscount CANNING said, in answer to the question which his noble Relative had put to him, he would beg leave to set the noble Lord right as to one point, namely, as to the preparation of the committee-rooms of the House of Commons. It was not the case that the House of Commons had issued any order to Mr. Barry to prepare these rooms; but about the first day of the present month the Speaker intimated to the Board of Works that from the 27th of this month there would be a large additional number of committee-rooms wanted for the use of the House of Commons. Either the Speaker or the Sergeant-at-Arms suggested that one or two houses in Palace-yard should be taken for the purpose; but on these houses being examined, it was found that they did not afford the necessary accommodation. It was then suggested that new rooms should be built, as was done last year; but these would afford very bad accommodation: and, under these circumstances, he thought it would be much more convenient, and much more economical, if the rooms in the part of the new building, which had been a long time finished, situated near the river, could be put in order. He accordingly made a communication to Mr. Barry, to ascertain from him if it were possible the rooms could be completed within the time. Mr. Barry having expressed an opinion favourable to the proposition, he (Lord Canning) gave him the necessary instructions; and, having inspected the works on the day before, he had no doubt that they would be ready by the day named. It was only yesterday that he had received any intimation from an officer of their Lordships' House, that additional accommodation for Committees of their Lordships would be required; but as there were nineteen of the rooms to which he had alluded in preparation, and as only fifteen were required for the House of Commons, the other four would be ready for their Lordships at the same time. He had also requested Mr. Barry to make another access to their committee-rooms, so that their Lordships' committee-rooms should have a different entrance from that of the committee-rooms of the House of Commons. With regard to the principal question of his noble Relative, he was sorry that he could not answer it in the manner which he desired, namely, that the workmen were again in the New House of Lords, and that the fittings were nearly complete. He was sorry to say that this was not the case. His noble Friend had alluded to certain squabbles and disputes which had arisen between the architect and Dr. Reid. He thought that any one who would read the evidence on the Table would feel that there was something more than mere squabbling in the matter. There were one or two important points which must be decided before the work could be gone through. He had attentively read the evidence taken before the Committee; and he had arrived at the conclusion that, if the Government on its responsibility had urged Mr. Barry to go on with the work until these points were decided, they might put the country to great expense unnecessarily, and their Lordships to still greater inconvenience than they now experienced. He therefore trusted that they would

submit to this small sacrifice; as he hoped that in the course of only a few days the matter would be determined. If there had been nothing but the squabbles between the two gentlemen employed in the building which prevented its completion, he admitted that it would have been utterly inexcusable on his part, if he had not at once put an end to them, and if he had not brought these two gentlemen into active co-operation within twenty-four hours. The question in dispute must, however, take some time longer to determine. It had never been clearly shown to his satisfaction that one uniform system of ventilation for the New Houses of Parliament, extending as they did over between eight and nine acres, was feasible. Before any final step was taken in the matter, they should see whether this was advisable or not; and for that purpose they should get the assistance of men of the most eminent ability. He thought that such opinion should be obtained; and before their Lordships sanctioned the application of the system, they should take care that they were not perilling the safety of the building. Feeling this difficulty, which had not been considered, he thought that the best course to follow was to select three gentlemen, who were eminent for their scientific attainments, and were perfectly acquainted with the subject, and from whom he could ensure a sound opinion, to examine the matter and report thereon, so as to enable the Government to act upon their advice. The three gentlemen had further received instructions to the effect that they should consider and report how far this system of ventilation was practicable; and if so, how far Dr. Reid's system of ventilation should be extended to the whole building, or whether it should be restricted to only particular parts, namely, the two Houses, or other parts. Also, whether the application of the system was advisable as far as applied to particular parts of the building. Also, to report how far Dr. Reid's system was compatible with rendering the building fireproof; and, lastly, as to the opinion they had formed as to how far the plans furnished to the architect in this matter were sufficient; and if further information was necessary, to what extent. These points had been directed, for the purpose of decision, to Mr. Hardwicke, the eminent architect, no doubt known to many of their Lordships; to Professor Graham, the professor of chemistry at the London University; and to Mr. George Stephenson, the engineer, whose high professional talents and attainments were known to all, and who had paid much attention to the subject of ventilation, and particularly the ventilation of mines. The qualifications of these gentlemen were of the greatest importance in the investigation of this subject. He was aware that at the first blush an objection might be raised to this course, that it would lead to delay. He could assure the House that he had not come to a conclusion on the subject without anxious consideration, and the result was that he had taken upon himself the responsibility of adopting this course. He had reason to believe that the inquiry would be gone into by the gentlemen he had named without delay, and he understood that it need not take more than a few days before they made a report on the subject. When the opinion of these gentlemen was before Her Majesty's Government, it would be enabled to come to an immediate decision. Any arrangements entered into between the Government and Dr. Reid, or the Government and the architect, as well as the opinions of Committees of either House, should be laid on the Table, and it would also be right for the Government to state its views on the subject to Parliament, and thus give noble Lords an opportunity of making any remarks they might deem proper. Before they proceeded he thought that it was necessary to fortify their opinion in the manner which he had stated, instead of going on working at all risks.

Lord BROUGHAM said, that no one could doubt that his noble Friend had given a clear explanation, and had adopted a right mode of proceeding, as well as the most prudent course. Their Lordships were now suffering very much under the processes of Dr. Reid for the purpose of ventilation. The law Lords met in the mornings from ten to five, and suffered most severely from this system. He had never in his life suffered more from cold than he had done that day, sitting in that House, hearing appeals, from half-past ten to five. At the latter hour a change of temperature was always made, or the difference, perhaps, arose from the comfort of having the presence of the great body of their Lordships there. He could assure the House that the noble Marquess had not said too much when he stated that such was the atmosphere in that House during the day that the law Lords were sometimes broiling and sometimes freezing,

and this was always the case except when their Lordships attended in the evening for a short time. He hoped that attention would be paid to this subject. In the Committee upstairs there was clear evidence to show that not eight or ten months were required, but that their Lordships could with proper attention get into their new House in the course of a very few weeks: not, however, if they were to wait until every nook and cranny or rat's hole had been exposed to the ventilating process of Dr. Reid. The Library Committee had acted most prudently, for they had barred the door against this plan of ventilation. As it was, they were subject to every inconvenience, owing to this detestable plan of ventilation. No men could be better adapted for the investigation than those gentlemen chosen by his noble Friend. Mr. Hardwicke was an admirable architect, and he wished that he would inoculate his brother architect with some of that activity which he had manifested in building Lincoln's Inn Hall. As to the squabbles alluded to, he knew nothing about them, but it was the bounden duty of the noble Lord to see that no such squabbles arose to prevent the completion of public works. He had heard a few days ago, for the first time, and he did so with indignation, that the works for their new House had been suspended for months, in consequence of the squabbles between these two persons.

Lord CAMPBELL thought that his noble and learned Friend had been rather too severe on his countryman, Dr. Reid. He (Lord Campbell) intended to throw no blame on Mr. Barry, but would suppose that he had conducted himself with the greatest zeal for the public service. His own opinion was that Dr. Reid was a man of eminent science, and that he was very successful in his plan of ventilation. For instance, the present House of Commons was the best large building as regarded ventilation and hearing that he had ever been in. He thought that the Members of the House of Commons would be great fools if they showed any great anxiety to leave that place. He trusted that their Lordships would not prejudge the matter in consequence of the ventilation of their House, but there were great impediments in the way of effectually doing so. As it was, when they met in the day time to hear appeals, they were sometimes in Greenland and sometimes in Bencoolen. He hoped that they would allow no efforts to be spared to procure the completion of the new House.

Lord REDESDALE thought that the noble Viscount at the head of the Woods and Forests had adopted the most judicious course that could be pursued; but he hoped that there would be a thorough understanding that the House would not let the matter proceed in the way it had hitherto done. It would be necessary in a short time for the House to come to a resolution to address Her Majesty that the new House of Lords should be prepared for their reception by the commencement of the next Session. The House of Commons a month ago had said that they must have fifteen new committee-rooms ready by the 27th of April; and these rooms, at the time they were ordered to be got ready, were not in such an advanced state as their Lordships' new House. That building was a single building, that was, it was isolated, and must be ventilated either from under the floor, or from the space between the ceiling and the roof. It was left to Dr. Reid to say which course he should take. The sole question they had to determine regarded the manner or plan of sending hot or cold air into the new House, and this was the only thing that interfered with putting up the new fittings. They had the statement of Mr. Barry that all the internal fittings were ready, and that they only required to be put up. The ceilings and walls were finished, therefore there could not be the slightest doubt that the new House would be ready by the commencement of the next Session.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Friday, April 24, 1846.

Minutes.] Public Bills.—1°. Navy Civil Department.

2°. Exchequer Bills (£18,380,200).

Reported. Friendly Societies.

3°. and passed. Insolvent Debtors (India).

Petitions Presented. By Mr. Bankes, Mr. Brotherton, and Sir John Trollope, from Dorset, Bradford, and Sutton Bridge, for Better Observance of the Lord's Day.—By Mr. Montague Gore, Captain Pechell, and Mr. Tancred, in favour of the Roman Catholic Relief Bill.—By Mr. Fellowes, and Sir Stephen Glynne, from Clergy of Huntingdon, Hartismere, and Trenddyn, against Union of St. Asaph and Bangor Dioceses.—By Mr. Gibson Craig, from Commercial and Manufacturing Inhabitants of Kirkcaldy, in favour of the proposed Measure respecting Customs and Corn Importation.—By several hon. Members, from various places, for Rating Owners in Lieu of Occupiers of Tenements.—By Mr. Langston, from Oxford, respecting Employment and Reformation of Discharged Prisoners.—By several hon. Members, from various places,

for Repeal or Alteration of Lunatic Asylums and Pauper Lunatics Act.—By Mr. Bright, from Inhabitants of the Town of Ilfracombe, and by Mr. Alderman Copeland, from Friends of Peace in the Staffordshire Potteries, for Reduction of Naval and Military Establishments.—By Mr. Alderman Copeland, from Officers connected with the Administration of the Poor Law, for a Superannuation Fund for Poor Law Officers.——By Mr. Bankes, from Guardians of the Poor of the Cerne Union, against the Poor Removal Bill.—By Mr. Henry Grattan, from Rathfarnham, against the Protection of Life (Ireland) Bill.—By Mr. Dennistoun and Mr. Bright, from Glasgow and Great Driffield, for referring Foreign Disputes to Arbitration.

BRIDPORT ELECTION.

The Members selected by the General Committee on Elections to try the merits of the petition against the late return of a Member to serve in Parliament for the Borough of Bridport, were called to the Table and sworn.

Mr. BAILLIE COCHRANE, feeling the awkwardness of offering any remarks upon such an occasion, yet hoped that the House would kindly grant him its indulgence whilst he trespassed for a moment on its time. The Committee just appointed and sworn to try the merits of his return, would have to assemble to-morrow; and although he could have no hope that the House would deviate from the course usually followed in such cases, yet not for the sake of his own interest merely, but for the sake of the interests of other hon. Members who might thereafter be placed in a similarly unpleasant situation, he felt it his duty to call the attention of the House to the extreme difficulty in which he was placed, owing to the loose wording of the Act which provided the giving of notice of the objection to be made. By a clause in a recent Act, which he believed had been brought in by the right hon. Gentleman at the head of the Government, the time of giving notice had been specified. The clause ran thus:—

"And be it enacted, that in all cases of controverted elections, or returns of Members to serve in Parliament, the parties complaining of or defending such elections or returns shall, by themselves or their agents, deliver in to the clerk of the General Committee a list of the voters intended to be objected to, giving, in the said list the several heads of objection, and distinguishing the same against the names of the voters objected to, before an hour not later than six o'clock in the afternoon of the day next before the day appointed for choosing the Committee."

Now, the manifest intention of that clause was to insure to parties a full and timely notice of the objections about to be made. But in his case they had kept the word of promise to the ear, whilst they had broken it to the hope. For how stood the fact? 240 electors of Bridport had voted for him, and the petitioners had placed upon the list of objections no less than 96. Now, he asked, was that justice? Was it in accordance with the fair meaning of the clause that such a list of objections should be handed in at the very last moment, when it would be almost impossible to ascertain upon what grounds the charges had been made or were founded? Was it, he asked, such a measure of justice as should be given to any man accused of bribery, to enable him to meet the case brought against him? Was it such a course as would be pursued by any court of justice? On the night before the day on which the Committee was about to sit, for the purpose of trying the validity of his return, he was as completely in the dark as any Member of that House as regarded the charges to which he was to be called on to reply. Surely the meaning of the clause must have been, that the objector to the return should state what was the nature of the charges about to be made, in order that those charges might be fairly met: and surely it was not a fair mode of complying with that requisition thus to object to one half of those who had recorded their votes for him. How could he know what witnesses to call? His only intention in rising was to direct the attention of the House to the case, in order to show the manner in which the parties supporting the petition were acting towards him. He had been left most unusually in the dark; and although he did not expect to be relieved by the House, he thought that some means should be taken to ensure a better measure of justice for other hon. Members who might be subsequently placed in a similar position.

Lord GRANVILLE SOMERSET, as far as he understood the objection of the hon. Member, believed it to be to the wording of the law as it at present stood. He did not know anything of the nature of the hon. Member's case; but the objection being to the Act of Parliament, he should say that he did not think that was the proper time to raise such a discussion.

Mr. J. COLLETT thought the hon. Member for Bridport had little cause to complain, comparatively with him (Mr. Collett); for of 4,000 electors who voted for him at his election, every man had been objected to in the petition which was presented against his return.

Sir R. H. INGLIS, as he understood the hon. Member for Bridport, believed his

objection to be merely as to the excessive number of voters he was accused of having bribed. He understood the hon. Member to complain that notice of objection to 96 out of 240 voters had been given. Now, if the hon. Member had had the misfortune to have bribed so many as 96, he could not see why he should object to the petitioner giving notice of his intention to prove the fact.

MR. B. COCHRANE begged most distinctly to deny that he had ever said anything like what the hon. Baronet attributed to him. What he had objected to was, that sufficient notice had not been given him; that the meaning of the Act was to insure to Members an opportunity of being made perfectly acquainted with the nature of the charges about to be brought against them, in order that they might be enabled to meet them; and that such an opportunity had not been afforded him. The hon. Gentleman was proceeding, when

MR. SPEAKER called him to order.

The Committee to meet at Eleven o'clock to-morrow.

COLONEL STODDART AND CAPTAIN CONOLLY.

MR. BAILLIE COCHRANE rose to put a question, of which he had given notice, to the right hon. Baronet at the head of Her Majesty's Government, respecting the families of two deserving and unfortunate gentlemen who had lost their lives at Bokhara whilst in the service of their country. He meant Colonel Stoddart and Captain Conolly. It would be only an act of justice towards the families of those unfortunate gentlemen to make some provision for them, if only as a tribute of respect. He was not aware whether Colonel Stoddart had left any representative; but with regard to the representatives of Captain Conolly, he knew that any act of the right hon. Baronet would be most gratefully received, and he trusted that some provision would be made for them.

SIR ROBERT PEEL: If he remembered rightly, Captain Conolly was in the service of the East India Company; Colonel Stoddart was employed by the Foreign Office; and for the characters of both he had a great respect, and felt deep regret at their unhappy fate. When, however, the hon. Member required him to mark that respect by a pecuniary provision for the relatives of the parties, he ought to bear in mind that the Crown had only very limited means of granting pensions. Formerly, it had great power for this purpose: the Irish and English civil lists were at its disposal for the reward of military and civil services; but at this time, the whole sum the Crown could grant in the course of the year was 1,200*l.*; and from that amount it was expected, besides, to provide for the claims of literary and scientific men, and for those who performed personal services to the Sovereign. In truth, it was perfectly inadequate. He could not give a better proof of the estimation in which Colonel Stoddart was held than to state, that about two years since, out of the limited sum of 1,200*l.*, Her Majesty granted pensions of 150*l.* to the sisters of that gallant officer: the grounds must be distinctly stated in the warrant, and there it was set out that the money was paid in consequence of the untimely death of Colonel Stoddart, and the services he had rendered. He again entreated the House to remember that the whole sum allowed to the Crown was 1,200*l.* a year. He was not aware that Captain Conolly had any immediate relatives; but he knew enough of the East India Company to be sure that they were not indisposed to attend to claims arising out of services rendered: that eminent and wealthy body would act in this case with its accustomed liberality. For Colonel Stoddart's relations the Crown had done as much as, under the circumstances, seemed reasonable.

STATE OF IRELAND.

On the Motion that the debate on the First Reading of the Protection of Life (Ireland) Bill, be resumed,

MR. W. SMITH O'BRIEN rose to put a question to the noble Lord opposite (Lord G. Bentinck), of which he had given him notice, and which he had been good enough to say he would answer. It was this: Suppose Government were to bring in a Bill to suspend the operation of the Corn Laws, as regards Ireland, so as to admit grain duty free, would the noble Lord, and the party with which he was connected, support such a measure? The noble Lord would be sure to feel that the circumstances of the present hour were not of an ordinary character; and since this day week, when he (Mr. W. S. O'Brien) had called the attention of the House to the lamentable condition of his countrymen, Ministers had laid some documents upon the Table, which had been printed, and were now in the hands of every Member. He was confident that every Member must

have read them, and would have seen from them that famine was rapidly approaching, or rather that it actually existed, in Ireland. With these documents before them, he could hardly believe that Government would persevere in a measure which took away from the people the right of being out of doors half an hour after sunset. He presumed that the official documents lately presented must have been read by every Member, but still he felt it his duty to direct attention to some parts of their contents, showing that the progress of the potato disease was rapid, that complaints were loud and general, and the applications for relief innumerable. [The hon. Member read a variety of quotations from the Printed Papers, including details of distress from Tipperary, Lowth, Cork, Limerick, King's County, Queen's County, Westmeath, Galway, Donegal, the Isles of Arran, &c.] It was impossible, he said, that such a state of things should continue without some resort to violence on the part of the people. Ministers had declared that they foresaw the evil; why, then, had they not taken due precautions against it? On that day week, he had adverted in his place to certain outrages that had been committed, and he now begged to be allowed to read an extract of a letter from Tipperary, dated the 13th of April, upon the same painful subject. After he had concluded it, he observed that the information was derived from all classes—from magistrates as well as labourers—and that all spoke the same language. In confirmation, he wished to add an extract from a communication of a gentleman who had been despatched to Ireland by the *Morning Chronicle* newspaper, for the purpose of collecting and transmitting correct intelligence. [The hon. Member read a quotation from the letter, describing the people of Ireland as being in a famishing condition.] He had told the Government some time ago that adequate provision had not been made, and the House would do him the justice to recollect that Ministers had said in reply what was equivalent to this language: "You need not give yourself any trouble to urge upon us the subject; we are fully prepared for all emergencies, and cannot be taken by surprise." He appealed to the House whether Ministers had not been taken by surprise. If the right hon. Baronet at the head of the Government saw so clearly in November what had since occurred, was it not his business to have taken precautions, and to have made such arrangements, either local or general, as to prevent starvation? Employment should have been given on the one hand, and food on the other. He did not mean to detail the measures by which this end should have been accomplished, but it was his firm conviction that the evil, now only commencing, might by timely exertions have been arrested; much useful labour might have been afforded, profitable to the labourer and beneficial to the State. He had charged the Government with having failed in the performance of their duty, and what had been the answer? "We can do nothing but by co-operating with the landlords, and the landlords have not done their duty." He was not prepared to say that the landlords of Ireland ought not to have done a great deal more than they had done; but it was only fair to them to state that, in the county of Limerick, at least, there was hardly a parish where distress prevailed in which a considerable subscription had not been raised. At this moment, Government was doing what was least of all desirable: they were giving eleemosynary relief, when what had been required of them was employment. The right hon. Secretary for the Home Department would do him (Mr. W. S. O'Brien) the justice to admit, that from the time he had entered the House, and before he entered it, at public meetings in Ireland, he had said that the present was a case which ought to be met by a special rate. The Government, therefore, were not to throw upon the landlords of Ireland the blame of not having co-operated with them in this measure. Then, the Government turned round upon the Irish Members and taunted them: "You," they said, "are preventing an influx of food into Ireland, because we cannot discuss the Corn Bill until the Coercion Bill has been read a first time." He denied the imputation, and he really could not understand how the Government could blame anybody but themselves. The Irish Members were prepared to make some sacrifices, and they had already offered Government their own days for the discussion of the Corn Bill, if they chose to proceed with it; therefore, whatever declamatory attacks might be made upon them, or whatever might be suggested to them upon the part of the Liberals of England, it could not be said that the Irish Members, upon this question, had behaved badly. The Irish Members, indeed, had attended in their place for the purpose of supporting those measures of free trade which the English Liberals considered so essential to

the welfare of the country. They might, therefore, have reasonably expected that the English Liberals would have concurred with them in offering such resistance to the Coercion Bill as would render it impossible for the Minister to pass it. If they had taken that course, was it to be supposed that the Government, with its 112 supporters, would have pressed a Bill so obnoxious, and which was resisted by every representative from Ireland who had yet spoken? But he had a fine sample of English feeling in the newspapers. For the last month almost, he had found upon his breakfast table every day, the *Morning Chronicle* and the *Times*, denouncing the course which the Irish Members were taking. But he and his brother Members from Ireland were only doing their duty to their country by taking that course, and they cared not what might be said against them for it; and so long as coercive enactments were carried by an English majority against the opinion of all the Irish Members, he welcomed vituperation. But it was not alone to the Irish Members that blame was imputed. The noble Lord opposite (Lord G. Bentinck) and his Friends came in for a share of it. They were present to answer for themselves. They had been told they were preventing the people of Ireland from obtaining food. He did not know what answer he should receive from the noble Lord to a question that he intended to put to him, but as far as he could see, the course of the protectionists up to the present moment had been this—"You have no right," they said to the Government, "to couple the question of Irish famine with the question of free trade; and if you had come down to this House and told us the people of Ireland were starving, we would have assented to placing a greater abundance of food at the disposition of the Irish Government." He would not accuse the right hon. Gentleman opposite of hypocrisy; but he was bound to say there was at least a want of candour in putting forward the question of Irish famine with the Corn Law discussions. The measure of Corn Law repeal was essentially an English measure, and not an Irish measure. It was a measure which, whatever might be its influence upon Ireland, was no doubt called for by the public opinion of England; it would chiefly benefit the manufacturers of England, and not the agricultural population of Ireland. He had not yet spoken upon the question in the House; but he now felt bound to state what were his personal opinions upon it, in the avowal of which he did not regard unpopularity. He was now, as he had been in 1842, an advocate for a fixed duty. The noble Lord (Lord J. Russell) whom he followed on that occasion had left him in the rear. The right hon. Gentleman opposite (Sir R. Peel) had shot beyond him. But he (Mr. W. S. O'Brien), at least, had seen no reason to change his views, which, he considered, were best for Ireland and for England too. As regarded the interests of England, whilst he thought the present amount of protection too high, a fixed duty on the importation of corn was better than free trade for Ireland. In the present crisis of Ireland he did not see any prospect of the prices of food being materially lower; but the general policy on this subject was a different question, into which he should not now enter further. "What is to be the expedient adopted for providing food at a reasonable price for the starving people of Ireland?" was the great question to which every man of whatever party ought now to attend. Before the month of June importations of grain would be consumed. The potatoes would be gone. The supplies of Indian meal were now utterly inadequate to supply the deficiency of food, arising from the failure of the potato crop. The next substitute would be oats; and as to oats and oatmeal, it was right to observe prices had been rising for two months, till, at this moment, they were upwards of one-third more than what was usually considered remunerative. The last quotation of oats at Limerick was 1*s.* per stone, whilst 8*d.* was usually considered a remunerative price. Now the introduction of foreign oats free of duty was a measure which even the protectionists might safely concede, for it would not produce much effect except as tending to keep down prices. With regard to wheat, he must say it had not risen in proportion to oats; but then wheat had not, since the Union, been the food of the people of Ireland. Although he was not prepared for a total and immediate repeal of the Corn Laws, yet, looking at the existing necessities of the people of Ireland, he considered the crisis must be met by admitting oats and wheat free of duty till the next winter; and he begged to ask the noble Lord (Lord G. Bentinck) whether he and his friends would consent to suspend for three months the operation of the present Corn Laws, so as to admit those descriptions of grain, free of duty, into Ireland?

Lord G. BENTINCK said: Sir, I will first offer to the hon. Member my thanks for his courtesy in giving me ample notice of the question he has addressed to me. I concur entirely with him, that under ordinary circumstances it would not be fair to ask an independent and insulated Member what his intentions were, as to any measure to be introduced into the House. But I do admit, Sir, that under the particular circumstances in which we are placed—when we have a Ministry endeavouring to govern the country, while no more than 112 hon. Members place confidence in them—and while those with whom I have the honour to act and agree, number 240, constituting, together with the Irish Members, a clear majority of the House—under such extraordinary circumstances, the hon. Member was entitled to put to me the question he has asked, and to which I shall be glad to give a frank and honest answer. Sir, the question put to me is, whether my hon. Friends around me would support Ministers, were they to introduce a measure—not for the abrogation and abolition—but simply for the suspension of the Corn Laws as respects Ireland—for three months? Sir, I may be permitted to enter perhaps at some length into the subject, in answering this question. The hon. Member has gone into a long catalogue of calamities, distressing to listen to, now prevailing in Ireland. It must have been painful to every Gentleman in the House to hear such an enumeration of miseries existing in Ireland. But I think it is yet more painful to the House to reflect that the present is no insulated or isolated case of such calamity, but that a similar story of woe might, year after year, with too sad truth be told. Sir, we have learnt from the Report of Earl Devon, and it is confirmed by the hon. and learned Member for Cork, that, taking one year with another, there are 2,300,000 destitute poor in Ireland. And there is nothing in the long statement we have heard, to lead me to suppose the distress now existing in Ireland exceeds much the distress that occurs in all times at this season of the year. Sir, I can assure the hon. Gentleman that he is not more anxious to supply relief to the people of Ireland, and assuage their miseries, than the Gentlemen who sit around me. But in our belief the measure alluded to by him would not afford any relief to the present distresses of the people of Ireland. I shall state to the House the reasons which induce those around me to be of opinion that no measure for the abolition of the Corn Laws—no measure for the suspension of the Corn Laws—would afford the slightest relief to the people of Ireland. But, Sir, any measure proposed to the House by a Gentleman who so justly stands so high in the confidence of the people of that country as the hon. Member does—any measure proposed by him for their relief, is worthy of the most favourable consideration of every Member of the House. And, therefore, Sir, though for reasons I shall hereafter state, I do not believe that the suspension of the Corn Laws would afford any relief to the people of Ireland, I believe I speak the opinions of the great majority of my friends around me, when I say, that if proposed by the Irish Members, or by the Government at their instance, such a measure will have our cordial support. We believe that it is not the want of food which creates the present distress in Ireland, but the want of money with which to purchase food, as regards the lower classes of society, in a partial sense, though not generally, through the country: and we think that a local remedy to the local evil should be applied. Money must be afforded, or the employment which may be the means of obtaining money, in order to enable the people to purchase food. Such, Sir, are the measures which we think the Government should have introduced. But if, Sir, through the cry that has been raised by the Ministry, a feeling has been created in Ireland that the protectionist party, or the opponents of the Coercion Bill, are standing between the starving people of Ireland and their food—Sir, we are willing to remove that delusion by passing, instantly, a measure which for the period present shall open the ports of Ireland. But in so doing, we earnestly and solemnly protest against the assumption that we believe such a measure will afford any relief to the people of Ireland. The Government may delude the people of Ireland, most cruelly have the Government deluded them, by assuring them that a repeal of the Corn Laws would relieve their distress; but, Sir, we think no such thing, and we will hold out no such false hopes; we will practise no such wicked delusion upon the people of Ireland. Sir, what is the state of things at present as to the prices of grain in that country? Into the ports of London and Glasgow alone, within the three months subsequent to the 1st of January, 260,000 quarters of oats have been imported from Ire-

land. The hon. Gentleman has referred to Limerick. Well, from Limerick alone there were exported 34,000 quarters to the London market. How is it possible, by suspending the Corn Laws in Ireland, to supply oats for the people when the price of oats in the London market, exclusive of duty, is now, according to the quality, 1*s.* or 9*d.* a quarter higher than in Cork, which I believe is the highest market in Ireland. I find, upon perusal of a Cork corn circular, that the average price of Irish white oats last week, was 23*s.* 6*d.* a quarter; and the average price of the corresponding kind of foreign oats was 24*s.* 6*d.* a quarter, exclusive of duty, in Mark-lane. On the 18th instant the average price of Irish oats was 21*s.* 9*d.* per quarter; and the average price of foreign oats, in Mark-lane, exclusive of duty, was 22*s.* 6*d.* per quarter. So that prices are 1*s.* per quarter, and 9*d.* a quarter lower in Ireland than in this country. Unless, therefore, foreigners are prepared to make a sacrifice to the Irish people of that difference, how is it possible—even if grain could be conveyed by magic from Mark-lane to Ireland—how is it possible that, by the repeal or suspension of the Corn Laws, a single grain of oats should find its way to the Irish market? So as to wheat, the average price of wheat in Cork was last week 49*s.* 6*d.* per quarter; while foreign wheat in bond, exclusive of duty, averaged 54*s.*, leaving a difference of 4*s.* 6*d.* per quarter. I believe there is no part of Ireland in which distress exists to a greater extent than in the county of Cork. Now I will give the House a comparative statement of the produce in grain which came into the market of Cork in this and in former years. I find that the aggregate amount of grain which came in the year 1844, amounted to 344,947 barrels; in the year 1845 it amounted to 337,654 barrels; but in the present year, 1846, this year of scarcity, it rose to 386,839 barrels. If then the people of Cork are starving, they are not starving for the want of food, but for the want of money to purchase food, and the want of employment. If there are riots in Ireland is it surprising? When the people of that country see 23,000 carts loaded with meal, and 100 tons of flour going out of the country, is it to be wondered at that they rise in arms and try to prevent the food going out of their country, leaving famine and starvation amongst them? Sir, if the truth were known—and I have it stated here upon the authority of a nobleman of the county of Cork, the Earl of Shannon, who says that he believes that though there may be great scarcity in many places, yet around him the scarcity does not exist—much of the distress arises, not altogether from the want of potatoes, but because people are holding back their potatoes, and refusing to sell them. Ministers, to serve their own purposes, have told them, from November and December down to the present time, that a grievous famine exists. When they told this country that a potato famine existed in England, I can answer for many counties in which the price of potatoes from 7*s.* 6*d.* a sack fell to 5*s.* a sack. They were 1*s.* 4*d.* a peck last year, and are 1*s.* 6*d.* at the present time. I lately heard a statement that a farmer had refused to sell 200 sacks at 7*s.* a sack in the month of December, believing in the statements of famine, and that now he is unable to get 2*s.* 6*d.* per sack. I have received a letter from a gentleman in Huntingdonshire, who tells me that ten days ago the annual auction of potatoes took place in Caldecott, in Bedfordshire, when, instead of the famine price, they sold at 2*l.* 10*s.* a ton, with six months' credit, while they were 3*l.* 10*s.* per ton, and six months' credit, last year. He states that he can have any quantity of potatoes at 1*s.* 4*d.* per bushel. I was once a grower of potatoes myself in the county of Sussex. In November last, having potatoes to sell, I was told that they were fetching 7*s.* 6*d.* a sack in Chichester market. I was told I might be quite sure of getting 10*s.* a sack; but in the month of April the price of potatoes has fallen to 6*s.*, which is cheaper than they were in December. The present cry is a false alarm, got up by the Ministers; and the people of Ireland, as is stated by the Earl of Shannon, a Whig nobleman, are suffering from the consequences. I recollect a statement in a Cork newspaper the other day, of one or two old women who did not mean to sell their potatoes till they could get a farthing a-piece for them. I believe that the scarcity of potatoes is greatly exaggerated. That there is a high price of potatoes, and that many people are not enabled to purchase them, arises in a great measure from people's holding back their potatoes. But as I said before, if it will allay any feelings that now exist in the breast of the Irish people, though we do not believe it will do any good, yet we are willing to support their proposal. Far

from thinking that the abolition of the Corn Laws will benefit Ireland, it is my firm and conscientious belief that the abolition of the Corn Laws will be the destruction of Ireland. I concur in every word that fell on that subject from the hon. Member for Limerick; and I am sorry to say that I must concur in other statements announced by him in Conciliation Hall. I believe that it will not benefit, but that it will injure, the labourers of Ireland. I do believe, with the hon. Member, that there will be a reaction arising out of the distress that will be created if a repeal of the Corn Laws should be carried, which will very much help on the Repeal of the Union. The hon. Gentleman is a high authority himself. I will read a letter to the House which is from another high authority; it is addressed by the Rev. Mr. Hughes, a Roman Catholic priest of considerable distinction in the county of Mayo, and a gentleman of high character and independent principles, to Mr. Moore, on the eve of the late election. I think there is much to learn from the statements therein expressed. I must state that Mr. Hughes is a friend of Mr. Moore, and looks up with feelings of great respect and regard to Mr. Moore; but at the same time, he is not the man to sacrifice his principles to any other feelings. On the 6th of February Mr. Hughes addressed his letter to Mr. Moore. He says—

"The Repeal question shall be the qualification test for the representation of this county. My feelings on this subject, and those of all the Catholic clergy of this country, are in full coincidence with those of Mr. O'Connell. My writing to you only on this matter demonstrates the preference which I feel disposed to give you of my own vote, and whatever little influence I may possess, if I can do so with consistency."

Mr. Hughes goes on to state, that he expects Parliament to continue for another year, and that if so, there can be no doubt but that that county will be in a better position to return a Repeal Member. He then says—

"I have always considered, and every passing day satisfies me more, that no two questions can be more identified than the repeal of the present Legislative Union, and the future prosperity of our country. The commercial views of Sir R. Peel will, I am satisfied, in a very short time become the law of this country; if so, they must have the happiest results for a Repeal of the Union, as they cannot fail to make Repealers of the landed aristocracy of Ireland. There is not a gentleman that I have conversed with on this subject that don't coincide with this view. The legislative enactments of Sir Robert Peel will drive out of the English market the agricultural produce of Ireland. Ireland will then have to establish a home market, which can be successfully accomplished only by the establishment of Irish manufactures, and an Irish Parliament to protect and foster them."

It is now no mystery why Irish Members are found to support a repeal of the Corn Laws. I know not whether Sir R. Peel is not secretly advocating their cause. What is the course adopted by the right hon. Gentleman? He has turned round upon all his past opinions; and I see consequences arising from his vacillation which must ultimately terminate in the dismemberment of the Empire, and which will be much facilitated by his measures. I can well conceive that the distress which will be brought upon Ireland, may drive the Irish people to frenzy. Why, we have been told by the latest convert—the last noble convert to the ranks of those who wish to repeal the Corn Laws—we have been told by the Earl of Essex that there is one class of farmers who must suffer by a repeal of those Corn Laws—a class of farmers, who, in the estimation of the noble Earl, ought never to have been farmers—farmers who are not possessed of capital. Those are the farmers with no capital but honesty and industry, who were once described as the strength and pride of the country. But, Sir, if all farmers without capital are to be sacrificed—if the round frocks of England are to be sacrificed—what will happen to the frieze coats of Ireland? There are 558,000 farmers in Ireland holding farms under fifteen acres of land. I ask hon. Gentlemen opposite, how much capital are these farmers in Ireland possessed of? I ask them what capital they have but their own hard horny hands and arms with which they cultivate the land—558,000 Irish farmers? Then, if the Earl of Essex is right, this large number must be sacrificed. If we estimate, as I believe we may estimate, not five persons, but six persons to a family in Ireland—for it is to the honour and credit of the Irish peasantry and Irish people, that, instead of maintaining themselves and children only, the practice and custom, the honoured custom, of the peasantry and lower classes in Ireland, is to support their aged and infirm fathers and mothers—we reckon, then, not five persons, but six persons to each family, you will have at once three millions and a half of people in Ireland, who are to be deprived of subsistence by the measures of the right hon. Baronet. If you are to add this number of people to those already destitute, some other mea-

sures will be required to provide for so much misery as must ensue. I, for one, can see no remedy for the evil, but in a Poor Law of a different construction from that which now exists. I can see no salvation and no peace for Ireland, until a liberal and generous Poor Law, on the same footing as the English Poor Law, shall be carried out upon the principle, that no person in Ireland, more than those in England, shall starve. We were told the other night by the hon. and learned Member for Cork, that out of the 256,000*l.* levied as poor rates in Ireland, the sum of 90,000*l.* does not go to the relief of the poor at all, but is paid as interest for the money laid out on workhouses, and to support the staff of the Poor Law Commissioners. Deducting that sum from the former there only remains 166,000*l.* a year to provide for the sustenance of 2,300,000 of the destitute poor of Ireland. That amounts to something like one farthing and one-third of a farthing per head per week. I understood the hon. and learned Gentleman to say that there are 37,000 persons in the workhouses. 166,000*l.* will give these persons something more than 1*s.* per head per week. And there will then be left 2,263,000 destitute persons in Ireland. In such a state of things can you wonder that riots and agrarian outrages take place? That must be the case when the people are starving. I say there is but one remedy, and that is to make a sufficient provision for the poor of Ireland. Is it to be endured that 10,000,000*l.* sterling in food should come from Ireland, and that no more than 256,000*l.* should be given to the poor of that country? I am aware that a Poor Law cannot be carried without much consideration, and that it cannot pass in a week, or perhaps in three months. But then some immediate provision must be made for these evils. I recollect that in the year 1833, the House almost unanimously supported a proposition for granting 1,000,000*l.* to the destitute Protestant clergy of Ireland, whose arrears of tithes could not be obtained for the years 1831 and 1832. In the first instance, it was an advance to the tithe-owners, but it afterwards became a gift. If we could, in the year 1833, make a gift of 1,000,000*l.* sterling to the tithe-owners of Ireland, cannot we now, if the people are starving, break through the rigid rules of political economy, and endeavour to supply the immediate wants of the people? Let us supply the wants of the Irish people for the time being from the funds of this country, and then let us seriously endeavour to make a permanent provision for them. These are the opinions of my Friends who sit around me; and if the Members for Ireland will introduce such measures as these, they will have our cordial and generous support. These are not new opinions. They are the opinions of an eminent statesman, who possessed the full confidence of this House. Mr. Huskisson said, that in a Poor Law for Ireland would be found the introduction of a feeling of security which would invite and retain the employment of English capital in that country. It was that feeling of security which had occasioned the greatness and wealth of this country, and which alone would produce similar results in Ireland. Mr. Huskisson went on to say, that unless such a measure were quickly brought forward, all the hopes which he entertained of the benefit to Ireland which could be derived from the passing of the Roman Catholic Emancipation Bill would be dissipated. I look to that period with the greatest satisfaction. In my humble office of private secretary to Mr. Canning, nearly 25 years ago, I had the satisfaction of possessing the confidence of that illustrious statesman. I have often heard Mr. Canning say, that it was to the Poor Laws of this country that England owed her success in her struggles with Europe and America—that the Poor Laws had enabled the people of England to meet the burdens of the war—and that the Poor Laws had saved the country from revolution. These are substantially the measures to which my hon. Friends around me look for the salvation of Ireland—for quieting disturbances and promoting peace in that country. And whilst we consent, in deference to the feeling which has been expressed by the hon. Gentleman who stands so high in the confidence of the people of Ireland—whilst we cordially defer to him, and to the feelings of the people of Ireland, by consenting to support a suspension of the Corn Law with respect to that country, we wish emphatically to guard ourselves from being supposed to think that either in the suspension of the Corn Laws, or in their abolition, any relief whatever can be afforded to the misery of one single individual in Ireland.

Mr. V. SMITH would not enter into the details which had been gone into on the present occasion, astutely enough, by the hon. Member for Limerick, for the purpose, no doubt, of procrastinating the

business of the evening. The hon. Gentleman had introduced the question of the Returns that had been presented with reference to the distress in Ireland, but he must say that he had not adverted to the only painful part of that Return. That document did undoubtedly exhibit a deficiency of exertion on the part of persons holding property in Ireland; and that, in spite of all the exertions shown by the Government, they had not been met by corresponding efforts on the part of the people of Ireland. This was a question that gravely affected the people of this country as well as Ireland. They were submitting without a murmur to the payment of sums of money in Ireland; but it was incumbent on the Government to show, and on Parliament to ask, what had been done by the landlords of Ireland in these circumstances? A statement presented the other day showed not only an apparent absence of exertion, but applications of the most extraordinary nature he had ever heard of. One of these was actually from a noble Earl, whose name he need not hesitate to mention, the Earl of Kingston—who made application for a grant of 500*l.* to make a pond in his own domain; and this without any statement that he meant to contribute a similar sum. Now, the Return was deficient in this respect, that it did not state what answers had been made by the Scarcity Commissioners to such applications as these. But he would not for a moment suppose that such an application as the one he had instanced had been acceded to by the Commissioners. He was disposed, however, to ask the right hon. Gentleman if he would submit a Return, showing the amount of contributions, by persons having property in Ireland, to relieve the distress in their neighbourhood; or whether he could state on what grounds, and in what proportion, Government, in cases where they had given contributions for that distress had received contributions from proprietors in those localities? This was due to the people of England, and to those individuals who had paid money out of their own purses to relieve the wants of the Irish people. It ought to be known who were the proprietors, absent or resident, who declined in the present emergency to subscribe towards the relief of Ireland.

Sir J. GRAHAM, in answer to the question put by the hon. Gentleman, said it was the invariable rule laid down in every Act of Parliament, where money was given for public works, that one moiety was only advanced by the public, and that the other moiety was secured in a sufficient manner upon the whole property of the country. No advance had, in the present instance, been made except on that ground; and on any occasion where in particular localities money had been granted to improve the property of individuals, they also had been called on to contribute a certain proportion of the amount. It was understood that advances in the shape of public works were preferred, and this accordingly was the general rule adhered to. But in reference to districts situated near large towns, it was not possible to pursue this course. In those suburban vicinities private subscriptions had been carried out; and though he saw great objections, under any circumstances, even of extreme depression, to the State giving public alms, yet, in the circumstances of these particular localities, and looking at the urgency of the case, the Lord Lieutenant of Ireland had been authorized by Government to grant a sum equal to the amount of local subscription so required. With regard to the application of the noble Earl (the Earl of Kingston), he was enabled to state with confidence that the application had not been entertained. When the British Parliament was called on to make good the advances, the fullest Returns should be laid before the public.

Mr. E. B. ROCHE said, he had never listened to a speech in that House which gave him greater gratification and pleasure than the speech of the noble Lord opposite. Were it only for one principle laid down in that speech, namely, that on Irish subjects the voice of the Irish people, expressed through their representatives, ought to be potential, the speech of the noble Lord afford him the highest gratification. The noble Lord's weight in that House as a stateman, could not fail to cause such a principle to be hailed by the Irish people with the greatest hope and satisfaction. For his part, he (Mr. E. B. Roche) never felt greater hope for the prosperity and peace of Ireland, than he did on that occasion. For that principle, so boldly and clearly laid down by the noble Lord, he (Mr. Roche) thanked him most sincerely; standing, as the noble Lord did, at the head of a party whose confidence he possessed, and so justly. As an Irishman, he thanked him for the desire which he had expressed to relieve the people of Ireland from the abject misery which they were suffering; and now, if the people were treated with neglect or worse by the pre-

sent Administration, they were afforded some hopes from the proximate. It was painful and humiliating in the greatest degree to an Irishman to come down to that House evening after evening, and to be obliged to make statements, often not to the most willing audience, of the details of the misery and suffering which his fellow countrymen endured; nevertheless, if it were only to justify themselves in any course which they might hereafter be compelled to adopt, they would not hesitate, at a sacrifice of self-esteem and self-respect, to proclaim the misery which the people of Ireland were suffering. He had in his possession a letter from a Roman Catholic clergyman in his neighbourhood, which gave a most shocking account of the destitution to which the people were reduced; being obliged to eat water-cresses for food in some instances, and turnips being considered a luxury. The parish to which he referred was the parish of Aghadah, barony of Imokilly. The letter also stated that potatoes in that parish were 11*d.* per stone, and that it was hard to procure them even at that price. Now, when he saw his neighbours, who had always behaved themselves peaceably and with tranquillity, starving and treated with less care for their wants than the beasts of the field, was he not to represent that to the House? or was he to be told, when he appealed to the House of Commons and the Government for relief for them, was he to be told he was coming between the people of England and free trade? What cared he for the Anti-Corn-Law League or free trade as an objection to those representations? If he went to the Anti-Corn-Law League, he would be met with some cold principle of political economy, true enough, perhaps, but of no use in meeting the necessities of Ireland. But when he appealed to the noble Lord opposite (Lord G. Bentinck), he agreed to give relief to the people of Ireland, even against his principles: he said he would give them food and money too, if necessary. He (Mr. Roche) was acquainted with the condition of the people of Ireland; and because he and his brother Irish Members attempted to obtain relief for that destitution, every scribe of this country who wished, every party whipster who wrote for the press in this country, applied epithets to them that must recoil on those who used them. It was a common thing with the press to apply to the Irish Members the epithet "impracticable malignants." [An hon. MEMBER: The *Morning Herald.*] It was not by the *Herald* that epithet was applied; it was by the *Times.* The right hon. Baronet at the head of the Government boasted of the great advantages which his free-trade measures would produce to Ireland; but if he were so sanguine as to its effects, why did he not proceed with it at once? Why did he dovetail the measure for free trade with a measure for coercion in Ireland? Why did he put the Irish people in this dilemma: if you remain free you must starve; if you get food it will be accompanied with the brand of slavery? When on former occasions the Government was asked what had been done, or what they were doing for the people of Ireland, they answered that they were taking every necessary step, and that their measures would be seen in time; indeed, that statement took him in on the first night of the Session, and he cheered the right hon. Baronet; but as yet he had seen nothing done. Irish Members were in constant communication with their constituents; and if any of the mysterious manipulations of the Government had produced a good effect, they must have heard of it. He was not aware that the least good had been done for the people of Ireland by the Government in this emergency. He had occasion recently to make an application to the Board of Works for assistance in making a particular line of road in his neighbourhood; which project was highly approved of by the landlords in the neighbourhood, on the ground of its being calculated to be a very desirable public work, whilst its construction would afford immediate employment to the people. The application was made about six weeks ago; and the Board of Works, in answer to the application, stated that they would send down an engineer to inspect the projected line; that gentleman did survey the line, and he believed reported favourably of it. He was not in a position to say how that gentleman reported; but he had reason to believe that he reported in favour of the work. Just at that moment, while he had been making the strongest possible representations to the Board of Works that the people were in great distress, and that time was a great object to the relief committee, so that they might be able to set the people at work at once, he wrote a letter to the Secretary of the Board of Works, dated the 6th of April, and asking for information on one or two points, without which, as he told the Secretary, it was impossible that they could get

on. The Secretary to the Board of Works, a gentleman with a hieroglyphical name, which he could never read, answered his inquiries in a letter dated the 18th of April, so that from the 6th of April till the 18th, not one single thing was done by these gentlemen of the Board of Works. Now what did this show? It showed that the Executive Government of Ireland, whoever they were—for they were not represented in the House—were not applying themselves to the question as they ought to do, but were only going on in the old, ordinary, jogtrot way of doing business, which was bad enough, Heaven knew, when the people had enough to eat; but now that they were living from hand to mouth, was a perfect farce, and worse than a farce. Under the circumstances in which Ireland was placed, such a mode of doing business became tragical; and it was not to be endured that gentlemen should ride about the Phœnix Park, instead of answering letters addressed to them, and attending to the important question before them. It was painful for him to be obliged to make these remarks. No doubt the gentleman, whose name he could not read, would be not very well pleased to see himself in the papers to-morrow; but it was not his (Mr. Roche's) fault, but that of the Government, who had placed the country gentlemen of Ireland in this fix. By going on in the old jogtrot way of doing business, they were only mystifying the people of England, and deceiving the people of Ireland. He again asked the right hon. Baronet opposite, the political father of the Coercion Bill, he who directed the Home Office and controlled the Executive of Ireland—he asked him again what it was the Government was doing, and what they were prepared to do, to relieve the present distress? From all places he received complaints that the Government were doing nothing. In Cork, thank God, they had not yet what they had in Tipparary. They had not yet had a town sacked; and therefore, he supposed that Cork would not receive any attention. It was necessary to press this subject upon the attention of the Government, both in season and out of season; and he, for one, thanked his hon. Friend the Member for Limerick for pressing it to-night, if for no other reason than that it had brought out a declaration by the noble Lord the Member for Lynn, which was so honourable to himself, and likely to be so beneficial to the country.

Mr. BELLEW agreed with the hon. Member who had just spoken, with respect to the neglect which took place on the part of the Board of Works in reference to matters committed to their care; but he believed that they had had too much business to attend to, and that there was not a sufficient number of people employed by the Government to do the business. The consequence was, that in many places the works committed to them were completely at a standstill. In his own county the Board of Works had behaved perfectly well, as far as regarded the granting of their requests. The applications made to them had in general been approved of; but, although the grants had been made three weeks ago, not a single spade had yet been put into the ground; and he would, therefore, press upon the Government the importance of having a sufficient number of hands to enable the works to be put in motion for which the grants had been made. With respect to the speech of the noble Lord (Lord G. Bentinck) he could not say he exactly agreed with his hon. Friend who had just sat down in his estimate of it. He was not to be caught either with the noble Lord's speculations or his offers. He was one of those who were in favour of a repeal of the Corn Laws, but he was not in favour of a Repeal of the Union; and he should not be induced by any of the arguments of the noble Lord to forego his opinions on the Corn Laws. He was also desirous on that occasion of expressing his conviction that, in a large number of instances, the landlords of Ireland did not do their duty to the people. It was quite true that there were a number of landlords who discharged their duties as well as the landlords of any other country, and very onerous duties they had to discharge every one knew who knew anything of Ireland; but that there were many who did not discharge a single duty which they ought to do. The fact was, that public opinion in Ireland was not strong enough to make them do so; and that the whole relation of landlord and tenant was a great hindrance to every attempt to set matters right; though he was of opinion that what had occured this Session would do more than had ever been done before to lead to a legislative enactment for the settlement of this question. If no other means could be devised, he, for one, would agree to a law which would make every man who had means contribute to the support of those who had not; and he was happy to think that the hon. and learn-

ed Member for Cork, who commanded such respect and influence in Ireland, had stated that he had become a convert to that principle. To meet the present emergency, he, for one, would agree to a law for imposing an income-tax upon the landlords, or a charge upon their rental, or, indeed, to anything which would render the mass of property liable for the mass of poverty in Ireland.

Mr. ROCHE begged to be understood as having made no charge against the officer employed by the Board of Works in the case to which he referred, but against the Board itself.

Mr. A. STAFFORD O'BRIEN did not wish to bear hardly on any individual; but he must say, this was not the first time that he had had reason to suspect the Board of Works in Ireland. That Board, he thought, was not constituted in sufficient strength. When he went over to Ireland, a short time ago, he found the potato disease in his district was worse than he had expected. On finding what was the state of things, he immediately wrote to the Board of Works in Dublin; and the answer he got was of such a nature as to convince him that to write to them was of no use. He therefore wrote directly to Lord Lincoln, stating that he was willing and ready to employ his own people; but that many of the people in the neighbourhood were the tenants of non-resident landlords, and that it was totally impossible for him to employ them. He also warned Lord Lincoln that if he went on in the ordinary jog-trot way of the Irish Government, he (Mr. A. S. O'Brien) would not be responsible for the peace of the district; but that if employment were at once given, he was sure that all would go on well. He wrote to Lord Lincoln on the Friday, and on the Saturday his letter was received. On the Sunday he received a reply from Lord Lincoln, stating that he would take upon himself the responsibility of sending down an officer of the Government; and on Tuesday Mr. Griffith went over the ground, and the poor people were set to work on the Wednesday. Whatever, therefore, the hon. Member might say of the Board of Works, it would always be a pleasure to him to bear witness to the energy and patriotism of Lord Lincoln. He had great confidence in that noble Lord; and he believed that the right hon. Baronet might receive with great respect and deference any suggestions which were made by Lord Lincoln. He thanked the noble Lord over and over again; and was happy to express, in his place in Parliament, the grateful sense which he entertained of the manner in which he had conducted himself in the discharge of his official duties.

Mr. CALEB POWELL observed that an account had appeared stating that Lord Kingston had applied for 500*l.* for excavating a pond on his own domain. That noble Lord resided on his own domain, and if he was to be reproached for any thing, it was for the profusion of employment which he gave the people.

Mr. R. DILLON BROWNE could not agree with the hon. Member for Cork in thinking that Her Majesty's Government had done nothing on this occasion. He thought that they had shown a very benevolent disposition towards Ireland: but he considered that they had mistaken the means of carrying out their benevolent policy. With respect to what had fallen from the noble Lord the Member for Lynn, he quite agreed with him in thinking that there was a want of money, and not a want of food, in Ireland. He agreed that there was an abundance of food produced in that country, and that if there were employment for the people, and the means of purchasing food, there was a sufficient supply in the country itself to meet the distress. He also agreed with the noble Lord in thinking that the Legislature must establish some Poor Law system in Ireland. He had lately become a convert to this opinion. Some system must be established which would give to the people of Ireland an absolute title to relief. It had been said that Mr. Hughes had stated that the abolition of the Corn Laws would make the landlords of Ireland repealers; but Mr. Hughes did not make that statement, because he was not an advocate for the repeal of the Corn Laws himself. He firmly believed that Mr. Hughes was a friend to their repeal. If the repeal took place, the people of Ireland would get greater remuneration for their labour, because that labour would be employed in manufactures. He quite disagreed with the noble Lord the Member for Lynn in thinking that the repeal of the Corn Laws would be disadvantageous to the people of that country. He knew nothing more unfounded than such a notion. In the time of Charles II., there was an application from the Lord Lieutenant of Ireland (Lord Ormonde, he believed), stating that if the introduction of meat into this country from Ireland were

not permitted, the consequences would be ruinous to the Irish people. Lord Ormonde's application was not attended to; but Hume stated, that after a short time the Irish turned their attention to manufactures, and soon attained to such excellence in making cloth, that the English Lords and Commons petitioned the king to put a tax on the importation of Irish cloth. He must say that he wished to express his gratitude to the noble Lord for the conciliatory tone in which he spoke of the people of Ireland, and for the very generous manner in which he expressed his willingness not only to allow foreign corn to be imported into Ireland free from duty for a certain period, but even to vote money from the Treasury to relieve their distress. He would now beg to call the attention of the Government to the distress in the immediate neighbourhood where he resided, the parish of Cong, county Mayo, and shortly to allude to great indifference and disrespect shown to the representations of a highly respectable Protestant clergyman, the Rev. Mr. Moore, the rector of that parish. That gentleman, being alarmed on account of the prospects of famine in his immediate locality—and here he (Mr. Browne) might remark that his conduct was most praiseworthy and his philanthropy most disinterested, for the unfortunate persons the objects of his concern and solicitude were all Roman Catholics—applied at the Castle of Dublin to the Secretary of the Commissioners of Scarcity, Mr. Kennedy, stating his apprehensions, who received him with great disrespect and discourtesy, giving orders to his clerks and to his printers on other matters, as Mr. Moore stated (and no one who knew the rev. gentleman could discredit his assertions), while he was pleading the urgent claims of his parishioners upon the benevolence of the Government. He would ask, was that befitting conduct towards a highly respectable clergyman of the Established Church? and when he did attend to Mr. Moore, he referred him for relief to the poor-house of Ballinrobe, which could not harbour, even if the guardians were willing to admit them, one out of every fifty of those likely to be reduced to want in the electoral division where Mr. Moore resided. Mr. Moore then returned home, and addressed a letter to the Chief Secretary, calling his attention to the subject. The Chief Secretary did not personally deign to reply to him. He (Mr. Browne) felt confident, had Mr. Moore addressed the right hon. Baronet at the head of Her Majesty's Government, notwithstanding his numerous duties, that he would have received more courteous attention. Lord Lincoln referred the rev. rector of Cong to Mr. Pennefather, who wrote him a most unintelligible answer. Mr. Pennefather stated that Mr. Moore's letter had been referred to the Relief Commissioners, but "that any assistance rendered by the Government should be auxiliary to what was the duty of the proprietors in the neighbourhood to subscribe." Was he to understand by that, that as a preliminary step, before relief was administered in any case, there was to be a commission of inquiry into the conscientious and moral duties of the landlords; that relief was to be tested by the scale of moral obligations, which would be a process of inquiry rather too theoretical for the patience of the people and the practical cravings of hunger. The rev. Mr. Moore then addressed a letter to his Excellency the Lord Lieutenant, stating that he did not want any gratuity—he only required that a cargo of Indian corn should be sent to Cong, which could easily be done, as Cong was situated on the banks of Lough Corrib, which debouches itself into the sea at Galway, in order to regulate the market, and moderate the prices. Provisions were at a famine price, potatoes being 5*d.* per stone, and oatmeal 16*s.* the cwt., while labour was at 4*d.* per day. He stated that it would be most desirable to do so in cases of public works being established, as, if the markets continued as they were, it would be impossible to calculate what would be the amount of wages demanded for labour. It might be so high that in all probability it would furnish as great an antithesis to the maximum of labour in Ireland as 4*d.* per day was to the minimum of labour in England. He also stated that he would give stowage for the corn, and superintend its sale, being accountable for the amount sold. To this letter he received no reply for ten days, during which period it was impossible to calculate what amount of urgent distress might have arisen. He should read a few passages in the correspondence alluded to. The first was a short letter addressed to the Chief Secretary, and the other to the Lord Lieutenant:—

"Cong Rectory, Ballinrobe, April 7, 1846.

"My Lord—Anxious to avoid troubling your Lordship when I had hoped information could have been afforded from a subordinate, I attended,

a few days since, at the Relief Office, in the Castle Yard, to inquire of Mr. Kennedy what means were to be adopted to meet some pressing cases of distress in my neighbourhood. I was not a little surprised at the answer I received from him, namely, that the poor-house was the only resource under the rapidly arising starvation crisis. I see by the papers that Indian meal has been supplied by the authorities for sale in other districts; may I ask, are we not to be favoured in the same way? Potatoes are now with us at a starvation price, 5d. per stone; oatmeal, 16s. per cwt.; while labour rates from 4d. to 6d. per diem. A cargo of Indian meal would, no doubt, at once lower our markets; without this the wages that will be required by the persons employed at the public works must far exceed anything that can even have been contemplated.—I have the honour to subscribe myself, your Lordship's obedient servant,

"E. S. Moore."

"Cong Rectory, Ballinrobe, April 10, 1846.

"My Lord—I have just been favoured with a letter, signed 'Richard Pennefather,' dated April 8, in answer to one written by me to the Chief Secretary, in which I stated I had called at the Relief Office, in the Castle Yard, to mention that our markets were now at a starvation price, potatoes, 5d. per stone; oatmeal, 16s. per cwt.; while labour is but 6d. per diem. I mentioned to Mr. Kennedy some cases of distress that had come under my own immediate cognizance; he, however, told me, there were no means of relief but in the poor-house. I find, my Lord, Indian meal has been supplied to other districts at first cost prices; now, all I want for our suffering poor is, that such an opportunity of supporting their families should be afforded them, in connexion with the public works, and that the respectable householders, and tenant-farmers, having from three to ten acres of land—such were the cases I brought before Mr. Kennedy—should be enabled, without going to a poor-house, or consuming the seed which should be put in the ground now, to insure a better prospect for next year, to purchase the common necessaries of life at a moderate rate. I ask no gratuitous assistance for our peaceable and industrious poor. There are no resident gentlemen here from whom I could hope for aid; and, even were I sure of getting it on application from our non-resident landlords, I tremble for the consequences of the delay there must necessarily occur between the writing and receiving answers to my letters, and the communicating again with the Castle.

"My Lord—I have done my duty; at heavy personal expense, I have been to the Relief Office in Dublin, to make our distress known; having been repulsed there, I have applied to the Chief Secretary, and now, in the last instance, I put the case directly before your Excellency. If the Government send down meal, I will give storage; and if they allow a salary for a clerk, I will superintend the sale, and hold myself responsible for the amount sold. I have the honour to subscribe myself, your Excellency's obedient humble servant,

"E. S. Moore, Rector and Vicar of Cong."

Now, what was the deduction from that correspondence? The deduction was, that there existed a very hazardous delay in the administration of relief, and that it was subjected to the conditions which made it defeat the objects of benevolence. He blamed not the Government; on the contrary, he thought the people of Ireland ought to be grateful to them for their generous conduct, but their benevolent intentions might be defeated by the system, machinery, and policy which they had adopted. He particularly alluded to the policy which they had stated so frequently in that House principally directed them, namely, waiting upon the landlords for assistance. The people might starve while the Central Committee of Relief in Dublin were deliberating upon the propriety of administering relief, and awaiting the proceedings of the landlords, upon whom the people of Ireland had waited in vain for centuries. But the case of Mr. Moore was, unfortunately, not an isolated case. Other such instances had occurred in Tipperary, where famine was well set in and on the increase. In such a state of things they could not wait for the landlords doing their duty without the compliance of conditions. He took the liberty the other night, in alluding to the disturbances in Clonmel, where there was an *émeute* dangerous to the peace of society, in consequence of the people being driven to desperation, by the want of food and actual hunger, to ask the right hon. Baronet at the head of Her Majesty's Government a question, to which he had received no distinct or satisfactory reply. He wished to ascertain if Her Majesty's Government in England had communicated with the authorities in Ireland, and insisted that relief should be promptly, fully, and unconditionally administered wherever such urgent necessity presented itself, and wherever hunger was actually endured. He again put that question, and might he entreat a reply, particularly as to the unconditional administering of relief under peculiar circumstances? If that were not done, consequences might ensue which it was impossible to contemplate without the utmost apprehension. It was the duty of the Relief Committee to provide unconditional relief under such circumstances. Great would be the responsibility they incurred if any one through their neglect or denial died of hunger. It should be recollected that the people of Ireland had no one to apply to except to the Commissioners. In England the tenant upon every estate, where the landlords were good landlords, and where they recognized the principle that property had its duties as well as its rights, had an abso-

lute title to relief. But in Ireland they had no title, where the landlords to a great extent were indifferent to the wants of the people, and converted their very food into the golden tribute of indifferent and heartless absenteeism.

Mr. SHARMAN CRAWFORD said, that the Government had taken upon themselves the responsibility of providing food and employment for the Irish people; he quite acknowledged that they had used every effort to accomplish these objects; but they had fallen into the mistake of thinking that it was impossible to do any thing without the landlords. Now he put it to them whether their attempts had not failed, and whether it was not necessary, even in justice to the landholders themselves, to adopt some principle of taxation by which the holders of land would be compelled to contribute to the support of the poor. He was clear for establishing a system of taxation on that principle, and he hoped that either in the shape of a poor or a labour Bill some such plan would soon be brought forward. He had heard with sorrow his hon. Friend the Member for Limerick describe the repeal of the Corn Laws as simply an English question. He (Mr. S. Crawford) knew it was an English question; but his opinion was, that it was infinitely more important as an Irish question. What advantage had Ireland ever reaped from the Corn Laws? Where were the proofs to be found, either in the condition of the people or the improvement of the country? Let the question be tested by one circumstance—and let him be shown whether all the protection that Ireland ever had received had tended in a single instance to her prosperity. If they were to have taxation for the poor, then it was the more necessary that the supply of food should be ample and its price low. He did not approve of the Coercion Bill. He saw no value in it, and in any legitimate opposition to it on the part of the Irish Members he saw nothing to blame. At the same time, he hoped that they would not prolong the discussion longer than was necessary for the purposes of fair opposition. It was of great importance that the repeal of the Corn Laws should be gone on with as speedily as possible, for the interests of Ireland, as well as those of England. He did not approve of the proposition made that evening for the opening of the ports for three months, as far as Ireland was concerned, for he thought that the effect of such a measure would be to throw obstacles in the way of the final accomplishment of the still greater one of total repeal. These were his views. He wished for, and would support, any measure calculated to give cheap food to the people of Ireland.

Mr. O'CONNELL: I am sure I have never been churlish in acknowledging the evident disposition of the Government to adopt measures to meet the present emergency. I should have been ashamed of myself had I been so; but I have now to complain, I have to join in the general complaint, of the inactivity of the persons employed by Government in Ireland to superintend the distribution of food, of their unnecessary diplomacy, their wearisome references from one to the other, of the wanton delay in some localities, the tediousness everywhere. Why, can Government point to one single spot in which effectual relief has been administered? But while I say this, I must add that I was very glad to hear the hon. Member for Northamptonshire (Mr. Stafford O'Brien) speak as he did in high praise of Lord Lincoln and his commission in Ireland, and I hope that Government will strengthen their hands. But, Sir, I think that Government has fallen short—that more money—a great deal more money will be necessary. I am not asking it as a favour. I am not here in mendicant form, appealing to you for alms for Ireland. Advance money. You have a security for it—tax landed proprietors—take a discretionary power—you have done so in the Coercion Bill. Well, transfer that discretionary power of taxation from the Coercion Bill, and employ it better. Send round persons to find out the situation and circumstances of each landlord, and tax him accordingly. Does the landlord, like the hon. Member for Northamptonshire, do his duty? Then tax him lightly; and as he neglected it, then tax him heavily. It may be said these are unconstitutional doctrines. Sir, the people are starving, they are dying: while you are here canvassing constitutional doctrines they are perishing of hunger. Did you not hear the evidence given in the returns laid on the Table of the House? Did you not hear how this family had but two, that family had but one day's supply—how another family again had been eight-and-forty hours without food—and how a further eight-and-forty hours' suffering would land them in their graves. Then, I say to Government, do not delay. Act firmly—act boldly. We have heard from every side declarations of benevo-

lence to Ireland. Act, then. The House will not shrink from giving you an indemnity. But let there be no longer unnecessary delay. If you cannot meet my challenge to point out a single place where you have given effectual relief—if it be true that not a shilling has been advanced—then for Heaven's sake begin. Begin to-morrow morning, strengthen the hands of your officials in Dublin Castle. Let not a day, not an hour be lost. I may be told that I am throwing out opinions contrary to those I have always entertained on the subject of outdoor relief. I do not shrink from my old view of the subject. I still think outdoor relief but another name for the confiscation of property; but in the present state of Ireland I prefer confiscation to letting the people die of starvation. Make the experiment for one year—administer for this year out-of-door relief—tax the landholder for this—you can relax next year—but this is the time for making the experiment. Don't bring your Coercion Bill against the poorer classes—coerce the landlords. Compel them to prevent the people dying of hunger: it is necessary to compel them. I do not disparage the landlords. There are abundance of good landlords in Ireland; and abundance of bad landlords—of clearing landlords—of destroying (not angels, but) landlords, in Ireland. I do not commit myself to the doctrine of outdoor relief. It will be seen that I have very strong objections to it, but none of them apply on this occasion—in this emergency. Sir, I was sorry to hear my hon. Friend the Member for Limerick so adverse to the total repeal of the Corn Laws. My conviction is that nothing can do good to Ireland but that repeal. The existence of the Corn Laws has done us no good. Can any man contradict that? They have been concomitant with increasing misery—concomitant with increasing destitution; and therefore, if any man praise the Corn Laws to me, he must draw on his imagination, for as to Ireland the facts of the case are against him. Corn Law repeal would increase manufacturing enterprise, it would raise wages—agriculture cannot raise them—the Corn Law has not raised them. They say the Corn Bill was passed to keep up wages. Is there any country where wages are so low? Notoriously none. The only chance of raising them is in the repeal of the Corn Laws, and I wish to Heaven you would set about it at once.

Mr. G. P. SCROPE rose to express his satisfaction at the discussion which had been brought on by the question of the hon. Member for Limerick. He did not think that the time of the House would be thrown away, even if the debate upon the Coercion Bill might be delayed for two or three hours. He thought the result of the discussion which had taken place would be the means of inducing many hon. Members to consider the propriety of giving to the Iriah people the same security for their honest industry and peaceable employment that the English had enjoyed for centuries. He could not understand upon what argument the hon. Member for Cork (Mr. O'Connell) objected to the Poor Laws. The people of Ireland were there, and there was no wish to starve them—they must be maintained in some way or other—they were fed and must continue to be fed. If that was conceded to him, the question then came to be, how were they to be fed? At present they were fed in the most wasteful, extravagant, profligate, and unwise manner that any nation ever fed its poor. They were fed by almsgiving and mendicancy—surrounding almost every door whilst a meal was going on, and begging from its inmates. In other countries mendicancy was declared to be the worst way of feeding the poor, tending not only to engender habits of idleness, but destruction generally of the moral character. The right rev. Dr. Doyle, than whom no man's opinion was more highly respected in Ireland, also declared that the present mode of relief in Ireland was not only most profligate, but was most destructive of the morals of the country, and ought to be superseded by some organized and systematic method. It would also be advisable, in a pecuniary point of view. There was no doubt but that mendicancy was connected with great waste. A man travelled round the country begging, or he stayed at home, and his wife and children got enough to support them, and the probability was that they got a deal more, and there was great waste in consequence. The knowledge that this abundance of food would probably be collected, induced habits of idleness, inasmuch as the able-bodied man remained at home, either sitting over the fire with a pipe in his mouth, or lying in his bed doing nothing. Now, he asked whether, putting it as a question of pecuniary advantage, it was not preferable to collect the amount which would otherwise be distributed in alms, in a methodical and economical system? He would have them

collect as well from those who were now unwilling to support the mendicant and the poor, as from those who did so—from the absentees as well as those who were resident—from those who might be surrounded by high park walls, shut out from the sight of distress, as well as those who looked upon it day after day. In a word, he would have them collect from all parties who held property in Ireland; and, placing the sum in one fund, distribute it in a methodical manner. With regard to the relief which would be given to the able-bodied, he might say they would be able to obtain a return for it all by setting them to work, and they would get much more than the value of the food and money that was spent upon them. Therefore he thought, instead of confiscation, that the adoption of an effective Poor Law system in Ireland would be the most complete mode of relieving distress economically; at the same time it would have the effect of opening up the resources of Ireland. It would improve the estate of the landlord more than any measure which could be devised. He believed it only required a stimulus of that kind to induce the landlords to set about the improvement of their estates. He regretted that when the Government were aware of the emergency that was coming upon them, they did not at once adopt the compulsory system instead of the voluntary. To meet this temporary distress they had been relying upon the voluntary co-operation of the landlords up to the present time; and that it had failed the Government themselves admitted. He regretted that the experience of past years did not induce the Government, at the latter end of the last year, when the pressure of this distress was coming upon them, to take a decided step, and call upon the local authorities of Ireland, whose duty it was to relieve the poor, to make ample provision for the coming emergency. If that duty had been imposed upon them, there was no doubt but that they would now have been enabled to meet the crisis. He thought the Government had incurred a very heavy responsibility in delaying to do this. It was not the first time that distress had occurred in Ireland when the landlords had been asked to do their duty and had failed to do it. The subscriptions had been from time to time raised in England for the relief of Irish distress, and but for which aids the greater part of the people must have died, whilst at the same time provisions were being exported in great abundance from Ireland for the purpose of paying the landlord his rent, and were actually re-imported into Ireland and bought with the subscriptions of the benevolent, so that the money raised in England for the relief of the Irish almost invariably found its way into the landlords' pockets. He therefore hoped the result of this discussion would be the adoption of some permanent measure of relief for the population of that unhappy country. There were doubtless many good and benevolent landlords in Ireland, and it was to their relief, in one respect, he was looking, as he was anxious to relieve them from the burden of being obliged to support the labourers of a neighbouring estate. It was his wish to see some measure introduced which would have the effect of making the people of Ireland industrious and useful members of society, and peaceable and contented subjects.

Mr. COBDEN: It appears to me, Sir, that we have rather lost sight of the origin of this discussion, and I only wish to say a few words on that point. This rather irregular and unexpected debate has originated in a question put by the hon. Member for Limerick to the noble Lord the Member for Lynn, which it seems has arisen out of a private communication between them. That question of the hon. Member for Limerick was, whether the noble Lord the Member for Lynn and those who usually act with him would be willing to vote for a suspension of the Corn Law for three months, that suspension to be applicable to Ireland only. That I believe is a correct statement of the question of the hon. Member. But, Sir, we have another proposition before us, a proposition not to suspend, but to abolish the Corn Law, and I therefore infer that the object of the hon. Member for Limerick is, that instead of our abolishing altogether the Corn Law as regards England, Scotland, Wales, and Ireland, there shall be substituted a three months' suspension applying to Ireland only. Now, I beg in the first place to tell the hon. Member for Limerick, and the noble Lord the Member for Lynn, and the 240 Members who sit behind him, and who cheered the speech he has made to-night, that there are other parties to be consulted with regard to such a proposition—that there are the people of England—I don't mean the country party, but the people living in the towns, and who will govern this country. I tell him that the English people and the Scotch, and the Welch, and I believe the Irish too, are, from what I have heard,

determined not to be content with a suspension, but to have a total abolition of the Corn Law. I think, therefore, the matter is taken out of the hands of this House altogether; and I must say I rejoice that this question of the Corn Laws can no longer be made matter for manœuvring and compacts within the walls of this House. It is disposed of, settled, out of doors; and, although your artifices here may delay this measure, and cause anxiety out of doors, still they can only delay it; and in fact the only thing you could substitute for it would be total and immediate repeal in the place of this deferred measure. When I hear the noble Lord talk in the way he is accustomed to do, using arguments with that unconsciousness that they had been so often refuted, that must arise from his having given his attention for the last seven years to some other objects wholly unconnected with public measures, and boasting of the 240 Gentlemen of England who support him, and who cheer him while he speaks—when I hear speeches which show that such a delusion exists in the minds of hon. Gentlemen opposite as to the state of public opinion on this question, I do feel anxious that it were possible that the right hon. Baronet could appeal to the country, without that inconvenience to the trade of the country, and that inconvenience to the private business of this House—I do feel anxious, I say, were it not for those reasons, that the right hon. Baronet should appeal to the country; for the country would make an example of hon. Gentlemen below the gangway which they little anticipate. But now, Sir, as to this proposition of the hon. Member for Limerick. Has he considered the practicability of opening the ports in Ireland, while he at the same time keeps them shut in England? What sort of Bill would be that brought in by the hon. Member for Limerick (Mr. Smith O'Brien), and the noble Lord the Member for Lynn (Lord G. Bentinck)? I suppose the hon. Gentleman will have a contrivance to prevent the introduction of provisions from Ireland to England. Seeing there are no custom-houses between England and Ireland, I perceive no means of preventing the free circulation of grain from Ireland to England, and supplying the place of what was transferred from one country to the other, by corn brought from America or the Baltic. The noble Lord (Lord G. Bentinck) told us it was money that was wanted, not provisions; and I heard the sentiment echoed on this side of the House. Why, if I understand the matter rightly, there is a positive deficiency; there has been a failure. Has there or has there not been a failure of the potato crop in Ireland? I presume there is no one in this House to deny that proposition. How will money supply the place of food? The noble Lord (Lord G. Bentinck) says there is plenty of corn in Ireland, and it is being sent to England. Have you the means of stopping that—of keeping it in Ireland? Where are the people to be fed? The hon. Member for Limerick (Mr. S. O'Brien) leaves the English people out of the question. No! he does not leave us out of the question. He is trying by a compact with the noble Lord (Lord G. Bentinck) to shut the ports to the English, while he opens the ports to the Irish people. I will not go into the argument to show that Ireland will be benefited by the repeal of the Corn Laws. If I wanted an argument of greater force than another in favour of that repeal, I should always quote with the greatest effect the case of Ireland. It is enough that to people who are feeding on watercresses, seaweed, and turnip tops, the Corn Laws have done no good, and the repeal of them can do harm. I agree with the hon. Member for Cork, that the repeal of the Corn Laws is the best means of introducing manufactures into Ireland. Give the people of that country free trade across the Atlantic with the United States. That people must be idle—the Irish people are not an idle people—but that people must be liable to the imputation, if manufactures did not spring up along the west coast on their magnificent rivers, when they had the grain of America wafted across the Atlantic. I have intruded but seldom in this debate. I am anxious to be a party to nothing which, in reference to the Coercion Bill, stands in the way of the Corn Bill. I deeply regret that those two measures should have got into a dead lock. The people of England are utterly puzzled and perplexed at the state of things here. I am almost perplexed myself. During the recess I was repeatedly asked to attend meetings at Manchester and elsewhere to censure the delay. Upon my honour, I know not whom to blame. I cannot blame the Government, for, though I were disposed to do so, I see them so much blamed by other Gentlemen that I may well abstain. I have no right to blame the Members from Ireland. It is not for me to judge how far they deem it their duty

to oppose the first reading of the Coercion Bill; but I deeply regret that this obstruction has taken place. I hope that Gentlemen around me, coming from Ireland, will at all events deem that I and those who think with me are quite as much in alliance with them as the noble Lord (Lord G. Bentinck). While I do not blame them, I ask them not to dispense censures upon the Liberal Members with the same breath that they compliment others in. I hope on this side of the House we shall be able to maintain a cordial feeling with each other; and I do trust that on another evening we shall be able to proceed to the consideration of another measure, in which, I believe, Ireland is fully more interested than England.

Mr. W. MILES said, that he should not have risen to address the House on that debate, but for the observations thrown out by the hon. Gentleman who had last spoken. He could assure that hon. Gentleman, that he did not then wish to touch upon the question of the Corn Laws, as other opportunities would arise for him to do so. He wished to state to the hon. Member for Stockport, that that debate had entirely arisen from the hon. Member for Limerick (Mr. S. O'Brien) having put a question to, and which was answered by, his noble Friend (Lord G. Bentinck) the Member for Lynn; and that question had been put by the hon. Member in accordance with the desire expressed by his noble Friend for him to do so, which was a matter of ordinary courtesy adopted by any hon. Members in that House who might wish to be in their place to reply to any proposition that they had previously received notice was to be made to them on any particular night; there was no compact, he said, between his noble Friend and the hon. Member opposite, beyond that ordinary courtesy which he had mentioned. He most sincerely lamented the state of misery which existed in Ireland. His noble Friend had answered the question put to him by the hon. Member for Limerick, and stated that he (Lord G. Bentinck) and the body —of which he was proud to say his noble Friend was the head—that they were willing to grant what the hon. Member asked, namely—would they give their support to the introduction of a measure, not for the abrogation and abolition but simply for the suspension of the Corn Laws, as regarded Ireland, for three months, in order that a sufficient supply of provision should be imported there to meet the wants of the people? There was no compact, however, entered into. He had stated on the first night that the abrogation of the Corn Laws had been proposed, that had the Government opened the ports for a time and admitted corn duty free to provide for the threatened famine, that the House would have immediately given their sanction to a Bill of Indemnity—and that the people of England would have said they were right in affording relief to a starving population. His hon. Friend had stated the same that evening; but he had also stated his belief that the proposition then made by the hon. Member for Limerick, if carried into effect, would not be attended with the beneficial results that the hon. Gentleman anticipated. He was sure, however, that in the course of the debate, the greatest sympathy had been expressed for the people of Ireland by hon. Members on both sides of the House; and that they were quite ready to do what they could; and he believed, also, that their wish was to act speedily, and effect something that would be for the ultimate benefit of Ireland, and thereby abolish the misery which so often prevailed, and that, he said, had been the purport of his noble Friend's speech. The Irish people would always find them acting with sympathy towards Ireland, and as far as possible improving the physical condition of the poorer orders of society. With regard to what had been stated about the abolition of the Corn Laws, it was not then the time, he said, to enter into it; and the House and the country would see, that however they might differ on that or other subjects, they had all shown the greatest sympathy for the Irish people; and that they were prepared to afford additional relief if it should appear necessary necessary for them to do so.

Mr. W. SMITH O'BRIEN said, perhaps he might be allowed to ask the right hon. Baronet at the head of Her Majesty's Government, if he was prepared to give an answer as to whether he could accede to the proposition he had made; but if the right hon. Gentleman was not prepared to give an answer, then, he (Mr. O'Brien) would give notice of his intention to ask the right hon. Baronet the question on Monday night.

Sir R. PEEL: Though somewhat indistinctly put, I can answer the question at once, and without hesitation. The hon. Gentleman wishes to know whether I am willing to substitute for the measure of the Government, leading ultimately to the utter

abolition of the Corn Laws, a proposal for a suspension of those laws for three months, as regards Ireland. I say at once I can consent to no such proposal.

Mr. DISRAELI: I wish to say a few words with reference to a circumstance which occurred during the discussion. I cannot help noticing an observation made use of by the hon. Member for Stockport, relative to a subject which at any time, or in any place, is well deserving of notice. I therefore think I may be permitted to advert to it in a few words. In making that observation the hon. Gentleman has favoured us with a definition, which, if public men were to indulge in very often, might be considered advantageous. He did more. He has threatened us with imputations: he has held up to us the terrors of popular reprobation; and has imitated the conduct of many great examples in not shrinking from adding a definition of that with which he has menaced us. The authority he has followed is familiar to all of us—even its locality is recollected—but I can inform the hon. Member that the street in which the three celebrated individuals who conceived they were the people of England lived is not any street in Stockport. We are told by the hon. Gentleman, without the slightest exception or modification, that the people of England are the people who live in the towns, and that definition was loudly cheered by one Gentleman, the expression of whose opinion or of whose feelings must always make a great impression on this House and throughout this country. I say, Sir, the right hon. Baronet the First Minister of the Crown, at the moment that the hon. Member for Stockport held up what he called the country party: I repeat it—I say again that the First Minister of the Crown—at a moment when the country party was threatened by the hon. Member for Stockport with the indignation of the people, when that threat was followed by a neat and terse definition of what the people are—namely, that they are the persons who live in towns cheered that definition. [*Cheers.*] Yes. There was a very warm cheer from the First Minister of the Crown. The right hon. Baronet immediately cheered that expression. The circumstance struck me at the time; for it came from the same right hon. individual who was once so proud of being at the head of the gentlemen of England. At the moment that the hon. Member for Stockport, in a tone of menace, threatened the country party with the control of public opinion, and said that a powerful sentiment of indignation would arise among the people of England at their conduct, in the most frank and open spirit he gave them his definition of what the people were, as being the inhabitants of the towns. The right hon. Baronet cheered that sentiment—he accepted that definition. [Sir R. Peel (emphatically): I totally deny it.] If the right hon. Baronet means to say that anything I have said is false, of course I cease—I sit down.

On the Question being put from the Chair, that the Order of the Day for the Adjourned Debate on the Coercion Bill should be read,

Mr. M. O'CONNELL said, as the present discussion had lasted so long, he would move that the House should adjourn.

Mr. W. SMITH O'BRIEN rose to make a personal explanation of the part he had taken in the question before the House. He would not have taken the liberty of trespassing a second time upon the House if it had not been for the insinuations thrown out in the course of the discussion as to the motives which had actuated him and his hon. Friends around him. He begged to assure the House that he alone was responsible for what had occurred. On his arrival last Saturday the Papers relating to the distress in Ireland struck him so much, he felt so strongly the necessity of making provision for the coming danger, that he thought it his duty to write a letter to the noble Member for Lynn, which he would read to the House if they considered it desirable. As to the motives of the hon. Friends around him (Mr. O'Brien) who had co-operated with him, he could only say that not one of them knew of his intention to write till the letter had been sent.

Mr. NEWDEGATE: Sir, I really think I must have been mistaken in my hearing. I beg to ask the right hon. Baronet at the head of Her Majesty's Government if he said that an assertion made by an hon. Member of this House—the hon. Member for Shrewsbury—was false?

Sir R. PEEL: Sir, the hon. Member who asked me that question must have been mistaken—totally mistaken in his hearing. I never used the word false in reference to any assertion of the hon. Gentleman. What I said was, "I totally deny it." The hon. Gentleman the Member for Shrewsbury said that I cheered a particular expression of the hon. Member for Stockport—namely,

that the inhabitants of the towns had a right to dictate to the country party, and that I accepted his definition of the word "people." I said, "I totally deny it." The hon. Member who asked me the question said his hearing must have been erroneous. It was so; for he said I used the word "false" in reference to a statement of the hon. Member for Shrewsbury; I said nothing of the kind. But when he said I cheered the assertion of the hon. Member for Stockport that the people of the towns had a right to dictate to the country party, I said I totally deny it.

Mr. NEWDEGATE: I beg leave to apologize to the House. I was entirely mistaken as to what had fallen from the right hon. Baronet. But I beg—as he has adverted to the very marked denial he has given to the assertion of the hon. Member for Stockport—to make him aware that the assertion is but a repetition of what the hon. Member for Stockport a short time ago stated in a meeting at Leeds to be his impression as to the real meaning and feelings of the right hon. Baronet.

Mr. BORTHWICK wished to state how the case stood. The hon. Member for Shrewsbury made an assertion, and repeated it. The right hon. Baronet rose and said, "I totally deny it." The hon. Member for Shrewsbury immediately said, in language which could not be misunderstood, "If the right hon. Member says that anything I said is false I cease," and then sat down. He regretted exceedingly that the right hon. Baronet did not then take that opportunity of explaining what he meant. If the hon. Member for Shrewsbury had not been of the same opinion as the hon. Member for Warwickshire, would he not have arisen again and continued his address? Was it less probable that the hon. Member for Shrewsbury should have been mistaken than the hon. Member for Warwick, or was the misapprehension of the former of less importance than that of the latter? He thought the right hon. Baronet would, on consideration, agree with him in the opinion he had expressed.

Major MACNAMARA: I think the right hon. Baronet has already sufficiently explained. He is not responsible for the speech of the hon. Member for Stockport, If any hon. Member thinks him responsible for it, or wish any explanation, this is not the place to call him to account.

Lord G. BENTINCK was not in the House when the hon. Member for Stockport made his speech; but he understood an impression generally prevailed among those hon. Members who sat around him, that the right h on. Baronet at the head of Her Majesty's Government had cheered the particular observation alluded to. If the right hon. Baronet had so cheered these observations, his hon. Friend the Member for Shrewsbury would have been perfectly justified in making any inference he pleased on the right hon. Baronet doing so. But it was possible his hon. Friend had been mistaken in imagining he heard a cheer emanate from the right hon. Gentleman. Certainly his impression was, that the right hon. Baronet had cheered. The denial of the right hon. Baronet must be taken as perfectly satisfactory; and he was quite sure that no hon. Member, after that denial, could believe the cheer had really been given. After what had passed, he trusted there would be an end to any feeling of excitement on the subject.

Mr. H. HINDE might have laboured under a wrong impression, but he certainly noticed that the right hon. Baronet had cheered; and, noticing that, he (Mr. Hinde) was about to protest against it, to appeal to the good taste of the right hon. Gentleman, and to ask him if it were right or proper that he should cheer such sentiments as those of the hon. Member for Stockport. He had also noticed—and he might be mistaken—that the right hon. Baronet had been cheering some time before, and it had appeared to him that when the right hon. Baronet first ceased to cheer it was not at the expression referred to, but at the succeeding expression—to the effect that the feeling out of doors had settled the matter long ago. He had never entertained a doubt of the correctness of his observations, and now, when an hon. Gentleman had made a statement to the House, under an erroneous impression, and had been called to account for that statement, those who, with him, had entertained the same impression, were bound, in fairness, to come forward and state the fact, in order to show that the hon. Gentleman had said nothing which was unreasonable or extraordinary.

Sir J. GRAHAM: After what has fallen from my noble Friend the Member for Lynn (Lord G. Bentinck), it is very inexpedient, and quite unnecessary, to prolong a discussion on this personal quarrel; but as I sat next to my right hon. Friend at the head of the Government, I am, I think, more competent for that reason than any hon. Gentleman in the House to ex-

press my opinion on this matter. I must, however, say, that it is somewhat hard to be called on to account for any particular cheer of the right hon. Baronet. I myself cheered warmly the very able speech made by the hon. Member for Stockport on this particular occasion; I agreed with many of the sentiments which fell from the hon. Gentleman; and I did not hesitate, by cheering, to mark my approbation. I certainly did cheer, and I am not quite sure that the right hon. Gentleman at the head of the Government did not cheer, the declaration of the hon. Member, that whatever might be the opinion in this House with respect to the passing of the measure for the freer importation of corn—whatever might be the intention among the representatives of the people—the people themselves had settled the question long ago. I cheered that, I agreed with it; but when I heard it I did demur to the definition of the hon. Member for Stockport, that the inhabitants of towns constituted the people of this country. I did not cheer that sentiment; I differed from it; and I am quite sure that my right hon. Friend at the head of the Government abstained likewise from cheering that sentiment. I trust that this statement will be satisfactory to the feelings of the hon. Gentleman the Member for Shrewsbury. I can positively assure him that he is in error in supposing that that particular passage was cheered by my right hon. Friend; he labours under a greater—a much greater misapprehension, if he believes that my right hon Friend used any term, in explanation, in the least degree inconsistent with the rules of the House. I am positive that the word "false" never dropped from my right hon. Friend. He said distinctly, clearly, and not in a manner at all offensive, that he wholly denied what had been attributed to him. The statement of the hon. Member was erroneous, and required to be denied in terms as positive as those used by my right hon. Friend. I am perfectly aware how inexpedient it always is needlessly to prolong a personal discussion of this kind; but I hope that, for the reasons I have given, the House will pardon my having made these observations.

MR. W. MILES could corroborate the statement of the hon. Member. He had been most attentive to the speech of the hon. Member for Stockport, and directly the observations fell from him that the inhabitants of towns, and they only, were the population, he (Mr. Miles) looked towards the right hon. Baronet; he directed the observation of two other Gentlemen to the same quarter; and they had certainly thought they had perceived the right hon. Gentleman cheering. They had themselves cheered ironically.

MR. STUART WORTLEY had sat exactly half-way between the right hon. Baronet and the hon. Gentleman. He heard the remark of the hon. Member for Stockport; it was cheered ironically by his noble Friend the Member for Lynn, and by his Friends around; but the right hon. Baronet did not cheer it at all.

MR. BROTHERTON'S impression was, the right hon. Baronet had not given any approbation to the definition of the hon. Member for Stockport, that the towns constituted the people. The hon. Member for Shrewsbury, with his actual acuteness, generally managed to pervert some expression, and to turn it against the right hon. Baronet; that was the hon. Member's cleverness; but on this occasion it was a gross perversion.

MR. M. CORBALLY had had his eye, it so happened, upon the right hon. Baronet, and he did not observe that he had cheered.

SIR. R. PEEL: I totally dissent from the principle stated by the hon. Member for Stockport. I don't recognize, on the part of the people of towns, any sort of right to dictate to the people of this country. And why should I cheer? I did not cheer that particular expression referred to.

MR. COBDEN: The language which the hon. Member for Shrewsbury attributed to me has now been adopted by the right hon. Baronet. It is not my language. The hon. Member for Shrewsbury states, and the right hon. Baronet repeats, that I said the inhabitants of towns would dictate to the country. Now, that was not my expression. I said that the majority of the people would always do so; and I think I am correct in saying that the majority of the people of this country live in towns. I do not wish or desire that one section should dictate to another; but the majority will govern in all constitutional States; and the majority now will be found in towns.

MR. DISRAELI: I need not say I greatly regret to trouble the House with this subject. I never anticipated this discussion; but as it has so unfortunately arisen, perhaps the House will not think I am arrogating to myself anything in now intruding for a few moments. I desire

that, as regards the right hon. Gentleman, and as regards the House, there should be no mistake as to what was my intention, what were my motives or my expressions. The hon. Member for Stockport made a speech; I need not advert, as many hon. Gentlemen have adverted, to any particular expressions in that speech; and there was a cheer. An hon. Gentleman, a Member of this House—I need not bring his name forward—it was an hon. Gentleman who has since addressed the House, and who frankly and honourably admitted that he was under the same impression, said, that the definition of the hon. Member for Stockport which was cheered, was cheered in a most decided manner by the right hon. Gentleman at the head of the Government. I had not the slightest doubt that the hon. Member had made no mistake; but now I am quite convinced that the right hon. Gentleman did not cheer. I am not speaking in conventional language, or in the mere language of form; I say I am quite sure he did not cheer. But I would wish the House to understand that—whatever may be our party struggles, or what is called personal acrimony, which I never did feel, that is the truth—I would not for a moment think of rising to take advantage of a cheer, and to make a charge, had I the slightest doubt about the matter. The House will admit, the right hon. Gentleman has admitted, that in a debate of this kind nothing could be more fair than that, if I believed the right hon. Gentleman had cheered the definition to which allusion has been made, I should seize hold of that and comment upon it. I am sure the right hon. Gentleman would seize hold of it himself, had he been in my place, and if I, had I been a Minister, had cheered such a definition. That is the nature of a Parliamentary debate; and certainly, when the right hon. Gentleman got up and contradicted me and spoke in so energetic a tone, I thought he spoke to me in an offensive manner. On reflection, I admit that I misapprehended the right hon. Gentleman. The right hon. Gentleman in this instance departed from his usual tactics; he seldom interposes; he generally delays speaking until a very late hour, and he then takes advantage of any mistake, and invariably pays you off for it. And I was, therefore, rather surprised when the right hon. Gentleman rose to interrupt me. I assuredly was under the impression, and I did think, so far as I am personally concerned, that the right hon. Gentleman meant to make an offensive imputation. I think if any hon. Gentleman, under the same circumstances, were under the same impression, he would feel it impossible to go on addressing the House; I, therefore, sat down; it was a mere matter, then, of private feeling, of private consideration, and I trust that it will not be thought I said or did anything offensive to the House, or that it was wrong in me at once to sit down. I wish the right hon. Gentleman and the House to understand that I did not make that charge under a mere erroneous impression of my own; other hon. Gentlemen fell into the same error; and they have admitted this. I also wish the House to feel and to agree with me, as I think they will, that if I was under that impression, it was permissible for me to use it in debate.

SIR R. PEEL: I, of course, take for granted that there is an end of all unpleasant feeling in this matter. When there is a cheer, any hon. Gentleman has a perfect right to advert to that, and to draw an inference. But the hon. Gentleman will recollect his statement was, that I not only cheered, but that I accepted the definition. [MR. DISRAELI: In consequence of the cheer.] Yes; and then I rose and totally denied it. We were both under an erroneous impression; but I must say, that if we are not allowed to deny an erroneous assertion and the inference founded on that, without giving personal offence, there must then be an end to all freedom of discussion.

Motion for adjournment withdrawn.

PROTECTION OF LIFE (IRELAND)—ADJOURNED DEBATE (FIFTH NIGHT).

The Order of the Day for resuming the Adjourned Debate being read,

MR. JOHN O'CONNELL said, he was sorry, after the pacification he had just witnessed, that it had fallen to his lot to commence the war again. He had intended to have taken part in the debate which had arisen on the question of his hon. Friend the Member for Limerick; but he thought it was more convenient to delay his remarks on the topics which then arose until he regularly addressed the House. He would not dwell long on the subjects which had been touched on in that debate. They were so numerous that it was difficult to take them in their direct order. One subject which was mentioned with ominous frequency, was the extension of the Poor Law in Ireland. He had been reminded, during the progress of the re-

marks of hon. Members on the Poor Law, of a saying of the hon. and learned Member for Cork, in 1830, when he first started the Repeal question. He said that "the landlords would have to choose between Repeal and the Poor Law." The landlords had scoffed at his warning, and had thereby brought on themselves, and on the country, the heavy infliction of the ever increasing and grievous poor rate. And it was evident, from what had been seen this Session, that if they did not stir themselves and apply the real remedies to the evils which had been inflicted on that country, they would shortly have forced upon them an aggravated form of those laws—nothing short of the confiscation of all property in Ireland. It was a cheap benevolence that instead of considering the opening up of the resources of Ireland, and stimulating her industry by restoring and freeing the healthy circulation of capital, would urge and press for the doubtful and perilous experiment of an extended system of poor laws, and so be rid of the annoyance of Irish distress. Why should that be recklessly essayed in impoverished Ireland, which had failed in wealthy England? The fact was, that poor laws had ever been and ever would be a failure in any and every country where they might be tried. To work well they required two requisites: first, that some means should be found of creating money; and, secondly, that angels should be found to administer them. It was idle to attempt to distribute other people's money for them better than they could themselves; and worse than idle not to see that the expense of the machinery inevitably necessary to work a measure of poor laws with any thing like efficiency, and to prevent frauds and impositions, would and must absorb a very large proportion of the rate. He was grieved to hear the hon. Member for Stroud use arguments in favour of a Poor Law in Ireland. It seemed as if he had not read, or not read right, the history of the Poor Law in this country, or the short history of the system in Ireland. He spoke of the Poor Law as if it were productive of all the wealth, prosperity, and strength of this country. It was going very far to seek a cause for them in a law which had been modified, and adapted, and as he might say, tinkered to every new system. England's prosperity should rather be traced to her having had for centuries the care and management of her own affairs, the command and means of development of her own resources; and the fullest enjoyment of political, commercial, and manufacturing liberty. These were the causes and means of her prosperity, and not her continually varying, and continually complained of Poor Laws. Even now, in England, the system was not settled. It was a fearful experiment, therefore, to try on so poor and distracted a country as Ireland a system like the Poor Law, which had never been found to answer in this country. Many persons who agreed with the hon. Member for Cork, had been hostile to him in his opposition to the Poor Law; and one by one, dozen by dozen, and hundred by hundred, they had confessed their mistake, and said he was right. There had been an almost unchristian way of speaking of the charity of the poor to each other in Ireland, and it was said to be unwise to permit it. The hon. Member for Stroud, in particular, urged the saving that might be made in this respect, under an enlarged system of legal relief. Why, how could they stop this giving? It was the easiest and cheapest for the peasant; but if it were as onerous as it was easy, the thing could not be stopped until you could root their natural and mutual compassion out of their hearts. And above all things, was it not the purest dreaming to think that you could realize in money, for the purposes of a poor rate, the potatoes given this way at the door by the cottier to the passing beggar. He denied the statement which had been made, that the able-bodied Irish peasant was idle, and that he sent out his wife and children to beg while he himself lay in bed: if the wife and children were seeking the assistance of their neighbours, their natural protector, the husband and father, was gone to work in a distant part of his own country, or had come across to this country, on the deck of a steamer, exposed to the wind and the elements, and, after travelling on foot many miles, was working laboriously to earn sufficient money to take back to pay his rent. The Poor Laws in Ireland had proved, as had been foretold, a grand mistake. The expensive machinery for their administration absorbed an enormous amount of that revenue which ought to be applied to the relief of the poor. Such was the result of the limited Poor Law which was now in force. Ireland was not in a condition to receive such a Poor Law as that suggested by the hon. Member for Stroud (Mr. P. Scrope). If relief were to be given to the able-bodied

labourer, was it intended to put him upon an equality with the independent labourer, who even now struggled to earn a bare subsistence for his family and himself; if so, the ratepayers themselves would disappear from the ranks of the independent labourers, and they would be brought down to the state of those they were called upon to relieve. To make the condition of the pauper better than that of the labourer, would, of course, afford a stronger inducement to the latter to sink into the ranks of the former. To make the condition less preferable was impossible; and this, too, should be recollected when hon. Gentlemen talked of making the uncharitable man contribute by a compulsory poor rate. They might, perhaps, succeed in screwing something out of the hard-hearted, but they caused the good and religious man to be doubly taxed, first, by their rate, and next, by his own charity; for he did not consider that a compulsory payment liberated him from the great Christian obligation of almsgiving. For these reasons he should always oppose not only the extension of the present system, but its permanence. He held that the landlords of Ireland, having tried and found the failure of the Poor Laws, must, if they would save their property from ruin, advocate the Repeal of the Union, as affording the only means of renovating the resources of their country. He protested against an expression which had been used by the noble Lord the Member for Lynn. It had been used before in the House, and been before denied. The noble Lord attributed to those who advocated the Repeal of the Union a desire for the dismemberment of the Empire. He emphatically denied the imputation, and gave warning that should such a charge be again brought forward it would be repelled in a manner as offensive as was the charge itself. No Member had a right to impugn the loyalty of another. With reference to that noble Lord, he would say, that he could not join in the expressions of confidence and somewhat of gratitude towards the noble Lord which had fallen from a few of the Irish Members that night. If credit was to be given to the noble Lord for the readiness with which he had acquiesced in the suggestion as to opening the ports of Ireland for a given period (if that were possible), credit must also be given to the right hon. Baronet at the head of the Government for his wish and endeavour to open the ports of both countries last November. If the right hon. Baronet brought forward this unhappy Coercion Bill, he also proposed permanently to give the people of Ireland cheap food: if, on the one hand, he offered them a stone, with the other he sought to give them bread. But the noble Lord would only give bread for a short and limited time, while he was pledged to give the Coercion Bill. The noble Lord did the Irish Members who advocated the repeal of the Corn Laws a great injustice in attributing to them so base a motive as to suppose that they supported a great measure which would effect a social revolution in the country, for the sake of obtaining a side-wind advantage to another great measure—the Repeal of the Union. They supported the proposition made by the Government for giving cheap food to the people, on the great principle that the poor, both of England and Ireland, must be fed. He believed he spoke the sentiments of every Member who was pledged to the Repeal of the Union, when he stated that they would not so stain their cause as to be guilty of the crime of impeding the cheapening of the food of their fellow creatures. The delay of that measure was chargeable upon those who had the power of facilitating its progress, and not upon the Repeal Members, who at present could give it no facility without assisting the Coercion Bill—which they believed would produce unmitigated evils, and be most disastrous to the country. English Members and the English press talked to them of public opinion. The very language they used showed that those hon. Members had no regard for the public opinion of Ireland; that did not enter into their consideration at all. If the two countries were to go on together, under an united Legislature—a cumbrous system—so cumbrous that it must fall to pieces of itself—if in progress of time the Legislatures were not separated by voluntary and amicable arrangement; it was quite time a due regard should be paid to the public opinion of Ireland. The Irish Members had not done a single act or spoken one word on this Coercion Bill that was not in strict accordance with public opinion in Ireland, and that had not the full sanction and approbation of their fellow countrymen. Some English Members said they had a right to remonstrate with them, because they had themselves incurred the hostility of their English constituents, for having shown themselves favourable to measures of relief to Ireland—the Maynooth grant, and other measures. Did not this support the asser-

tion of the Irish Members that the people of England were not enlightened enough, that the press of England would not allow them to become enlightened enough, as to the real state of Ireland to understand its case? Did it not show that there was a perseverance in hostility to it? As to the measure before the House, in opposing it they were not merely fighting their own battle, but that of England also. They were fighting the battle of the Constitution: no more dangerous precedent could be established than a continual facility given to a Government to suspend the Constitution whenever it chose to apply for that facility. It was not felt now, because Ireland only was affected by it; but it might hereafter be a fatal precedent for England in the hands of a wicked Minister. A time would come when they would want the aid of Ireland—when they would feel its weight and importance, and wish they had conciliated her. He implored the House to consider these things in time. The Irish Members were not attempting to excuse the horrid, hideous, and execrable crimes committed in Ireland; but they called on the Government to use all the powers the existing law gave it, which it had not yet done, to the utmost; and, *pari passu*, to introduce measures for the benefit of the country; and then, if these crimes continued, they pledged themselves to give full support to the Government in adopting this or even a more stringent Coercion Bill. He confessed that he addressed the House with a great depression of spirits, arising from the sense of his own inability, and from the disheartening hopelessness of any remonstrances in that place against sanctioning this new measure of tyranny for Ireland. This was no question—at least he did not look upon it as such—of mere coercion for a particular emergency. The whole question of international relations and mutual dealings between the two countries must come immediately under review. He said this because they had now arrived at the seventh century of connexion between the two countries—a connexion which, however felt in this country, had never been felt in Ireland otherwise than as a degrading chain which entered into the souls of the Irish people. From the first moment of that connexion, it had worked nothing but evil, misery, and oppression, to Ireland. They had arrived, too, at the forty-sixth year of the Union, which had been accomplished without their consent, at a period when the Irish nation was prostrate from the effects of a wild, insane, and criminal rebellion. For forty-six years England had possessed the control of all legislation—it had enjoyed the fullest power of showing its superior wisdom, goodness, and statesmanship; and the end was, that in Ireland millions and millions had fallen into the most hopeless state of pauperism. In this fact there was danger to both countries. The minds of the English people were so occupied with their own matters—and properly so—that they forgot what Ireland now was. They still thought that Ireland was the same miserable mendicant province to deal with, as she was at the commencement of the century. But while England had been dreaming that such was the case, Ireland had silently, but fast, been growing up into a powerful and united nation. The people were banded together in heart and soul; one sentiment pervaded them; they had the closest knowledge of their own rights, and had an united and firm determination to redress their wrongs. Their tempers had been tried like steel in the fire of affliction; they had shown a patience and self-control, the intensity and sublimity of which ought, were there even no other symptoms visible, to have warned the observing statesman of what a mighty power was growing up. Means should be taken, while yet there was time, to conciliate to the Empire the affections of such a people. Was it safe to rush into foreign wars, while Ireland, thus powerful, was discontented and exasperated? There was no disaffection to Her Most Gracious Majesty, but the deepest and most reverential affection; but he should be mocking the House if he said otherwise than that the Irish people were utterly disinclined to England, from the treatment they had received from her. Hence it was for the interest of England—for the interest of the whole Empire—that a change of policy should take place; and that at least some attempt should be made to conciliate the Irish people. Their part in endeavouring to bring about that change the Irish Members were resolved upon doing, and were doing, to the utmost of their power; conscious that they were thus best consulting the Imperial interests. No one could attribute it to any yielding or desire on their part of making any compromise of opinion, in saying that while attached and devoted with their lives to the cause of Repeal, they were equally strong in their desire to preserve the connexion between the two countries upon

fair, equitable, and just terms; but upon no other. They believed that such a connexion would best advance both countries to that full measure of prosperity which the Almighty might have in store for them. They believed that not only would their mutual interests be advanced, but that such a connexion would be the best for the universal interests of man; and further, they believed that the two countries, firmly united by a real and just connexion, would form the only permanent barrier to that despotism which threatened to overflow Europe. It did not require any great exertion of statesmanlike sagacity to understand that the combination of Austria, Russia, and Prussia, was one ominous for human liberty. It did not require the accounts of the atrocities of the Russian monster, Nicholas, the murderer of children, the flogger and torturer of the helpless nuns of Minsk, to warn us to resist the spreading of the system of government under which the wretch was at liberty to practise these and a thousand other hideous cruelties. Neither were the recitals needed of the heartless cruelties of Austria, as latest exhibited in the subornation of massacre by Metternich in Galicia; nor of the base and dangerous practices by which the Prussian King was alternately deluding, and then with most insulting mockery rejecting and spurning the supplications of his people for a constitution. None of these recent facts were needed to confirm the people of these countries in abhorrence of the principles, if principles they could be called, which the three Powers he had alluded to were endeavouring to propagate among the Governments of Europe. But those Powers would be too formidable for Western Europe if in the latter there were not a combination for mutual defence and support. England, however, could not bear her part; she could never be as strong as she might be as long as Ireland was discontented. Let her but conciliate Ireland; let both countries be bound hand in hand in amicable relationship, and they would present together a barrier which the rest of the world would not be able to overcome. With regard to this unhappy Bill, how unfortunate were they in selecting the time to bring it forward. At a time when they were flushed with their successes in war, when they were about to confer a substantial benefit on England by repealing the Corn Law—for though he admitted that it would benefit Ireland also, its advantages would be more immediately felt by England—they were going to inflict a Coercion Bill on Ireland. See what reflection they would thereby create in the Irish mind. They would remind the Irish people that the period of England's prosperity and success was signalized by inflicting oppression on Ireland; and that, on the other hand, when England was in distress and difficulty, advantages and concessions were obtained by Ireland. That was a most dangerous consideration to awaken in the minds of the Irish people; whereas their efforts should be directed to the blotting out from their minds the memory of the wrongs and injuries she suffered from this country. By holding out the olive branch they might conciliate the people of Ireland. Never was there anything easier than to conciliate them. A word, a promise, the sound of a promise, would conciliate them before: a word, a promise, or the sound of a promise, would not conciliate them now; because they learned from experience that the word was not kept, that the promise was broken, and that the sound of a promise was an empty delusion. But by some deeds—a few deeds—they would be compensated a hundred fold in gratitude from that people whom they made to hate them, and who never would fear them. It was ungrateful, for another reason, to select this moment for inflicting oppression on the people of Ireland, when so many of the Irish people, as might be seen in the list of the slain in their late glorious battles in India, fell in upholding the glory and renown of England. How many in Ireland, in reading over that list in their humble hovels, would have to deplore and mourn over the loss of a father or brother slain in achieving the glory of England. He was much struck with an article on this particular subject which appeared in the *Observer*, which was spoken of as being a Government organ. [The hon. Gentleman here quoted the article, which stated that the Irish soldiers, when they heard of the distress in Ireland, subscribed 840*l.* to relieve it, which sum they placed in the hands of Sir H. Gough, himself an Irishman; and that, having discharged this duty, they went into the battle with lighter spirits, and did not shrink from the performance of their duty to their Sovereign and country.] Yes, they went and sacrificed their lives for the glory of England, and England returned a Coercion Bill. Yes, they went to the fight with "light spirits;" but if, at the moment be-

fore the battle, it was whispered to them, "Ay, go and shed your blood for England; let your bones whiten on the plains of India for England's glory; but know, at the same time, that your fathers and brothers are sent into exile by her oppression and tyranny," he believed that even if that was whispered to them, they would still be found true; but how ungrateful—how bitterly ungrateful—must it not make your conduct appear! And when the remnant of that army came back, what must be their opinion of England, and of the connexion between the two countries, when they found their hearths desolate—their relatives carried away into bondage, while they were fighting the battles of England, because, perhaps, they were found by some gang of policemen going for a clergyman to administer the last offices of religion to their wives or mothers. He knew he would be told that those were reserved cases, and that persons would be permitted to go on such errands. How little did they know of Ireland when they talked in that manner—how it was governed in detail by the Irish Administration. Of course, it could not enter into the intentions of that House, or into the breast of any Christian man, whose prejudices did not carry him away, to enact otherwise than that such errands should protect the individual sent from the operation of this Bill. But their intentions would be set at nought by the Orange subordinates who were to work it out. The police authorities, who were generally most virulently hostile to the people of Ireland, would laugh and scoff at the poor wretch when he would make that excuse. He would be in their hands, and let them remember promotion was given in Ireland in the police force according to the number of men that were brought in. He did not say that was done with the cognizance of the right hon. Gentleman (Sir Robert Peel), for he thought he was incapable of allowing it if he were conscious of it; but the people of Ireland were conscious of it. No matter whether the man was innocent or not, the assertion of the policeman was taken, who thus secured his own promotion, or perhaps gratified his rancorous feeling. They might not believe him, but he said, if this Bill passed, no poor man was secure who made himself obnoxious to any individual police constable. If he did not acknowledge him as his master, he would not be safe if he were to go out on the most legitimate errand. This statement would of course be denied and controverted in that House; but he appealed to Members at his side of the House, if their experience did not strictly bear out what he stated; and the opinions of Irish Members on that subject ought to go for something. The opinion of the Irish Members ought, therefore, to be given on a subject of so much importance to their country. And these were their expectations under this Bill. It might appear that he dwelt too long on the subject of the danger which it would cause to the connexion between the two countries; but he could assure the House that the impression was so deeply rooted on his own mind, that they were leaning on the brink of a precipice—that they were not awake to the intensity of the danger which they were causing to the connexion, or at least to the international peace of the two countries, from this marked attack on the remaining liberties of the people, and which added to the already overflowing cup of bitterness, might have the most serious effects, that he felt conscientiously bound to dwell upon the subject, even at the risk of appearing tedious. He could tell them that the subject of Ireland was occupying the attention of their military men. He could tell them that their military and naval men were not quite so silent on the subject of the defence of Ireland as they were in that House. He could tell them that the chances of danger to the connexion between the two countries, and the chances of danger to England in a war from Irish discontent, were coming into their calculation. He might refer to the pamphlet of the Prince de Joinville, and to the significant silence with which the practicability of a descent on the Irish coast was regarded elsewhere. In the last number of the *United Service Journal*, there was an article on the "Invasion and Defence of Great Britain," in which he found the following passages:—

"The south segment of Ireland, between Galway and Waterford, which would become the theatre of French invasion, abounded with excellent harbours . . . . within a sealine of three hundred miles (going S. and W. about). Waterford, Cork, Kinsale, Baltimore, Long Island, Crookhaven, Bantry, Kenmare, Valencia, Tralee Bay, Shannon, Galway Bay, Greatman's Bay, Ardbear Harbour, Ballinakeil Harbour, the Killeries, Gola Island, Lough Swilly, and Lough Foyle, besides minor harbours and roads, without fortification. . . . . In 1796, Hoche escaped from Brest, and by the elements alone was baffled in his invasion of Ireland. Three years after, in spite of our blockade, the French fleet got out of Toulon, captured Malta, and effected a landing in Egypt. In 1805, a similar success attended Villeneuve."

So, even during the last war, when the naval power of England was so great, they were not able to prevent the French fleets from leaving their ports; but, at the present moment, the facility for a hostile armament doing so was much greater. He believed it was well known that steamers did not require so great a number of seamen as sailing vessels; and, therefore, an invasion of Ireland by a French fleet would be far more practicable now than in the time of the last war. The article went on :—

"For the defence of Great Britain and Ireland we could not muster 45,000 men, half of which are at present required to keep the population of the latter in subjection. Ireland, with her disaffected population—the extent and vulnerability of her maritime frontier—the total absence of interior defences—is at once our weak point; and in the event of a war would become one of the preliminary objects of France. We have at this moment of profound and universal peace a large army in that country; but double that force would be required for its defence, under such a contingency, certain as it would be to be made the theatre of a powerful French diversion. It should be constantly borne in mind that the object of the French is not to conquer, but to ruin England. When Massena was asked if Napoleon's preparations in 1804, were for the conquest of England, he replied, '*Personne n'y songea; il s'agissait seulement de la ruiner!*'"

Whenever they spoke of the chance of Ireland in case of war, they were met with the argument—"Oh, we are strong enough to fight the world in arms against us, and also to put down Ireland." That was not a very Christian boast. It was not a very humane boast, but still it might be the truth. British arms had achieved such wonders that it was hard for the imagination to conceive anything that they could not effect; but it should be recollected that in their best successes hitherto, they had the arm of Ireland to aid them, and they might not have that aid in another struggle. But even supposing they did crush another French invasion of Ireland, and another Irish insurrection, in what state of impoverishment would their success leave their own country! What oceans of blood would not be shed! What millions of treasure would not be wasted! What ruin to their manufactures—what desolation to commerce—what destruction to the funded interests of this country would not accrue! They should weigh these matters well, and then answer him, was it worth while to run the chance of these dangers, and to incur the guilt of the blood which would be so causelessly shed, rather than once for all trying those gentler means by which they would be sure to win the Irish people, and to make of them their most constant, their truest, and their firmest of allies? It was with these convictions that he had delayed so long on the subject of the danger which he felt would result to the connexion between the two countries from this measure. It was then the duty of the Irish representatives, entertaining such convictions, to oppose this Bill from the very first, feeling as they did from the dictates of their consciences that by so doing they consulted the best interests of both countries; and was it not hard that in doing so they should be accused by a noble Member on that (the Opposition) side of the House with creating unnecessary delay? The reproach of a Friend had always a more severe effect than the reproach of a foe; and they, therefore, felt most keenly that accusation, coming as it did from one who, when in office, had done all that the limited Parliamentary power of his party permitted to alleviate the suffering of Ireland, and to restore, by the only sure means, the confidence of the people in the Government of the country. The reproach of the noble Lord the Member for the West Riding of Yorkshire (Lord Morpeth) was on this ground most severely felt by them, and the more so because they knew that it was undeserved. They felt that their opposition to this Bill, instead of being unnecessary, instead of being unwarranted, and instead of being inexcusable, was most necessary, most warranted, and was most strictly their duty. The noble Lord the Member for the West Riding of Yorkshire also used an argument which he was sorry to have heard emanating from him. The noble Lord said that they were bound in justice to the Government who had brought in the measure on their own responsibility to let the Bill proceed to a future stage. Now, he could understand such an argument if addressed in support of a more friendly Government; but he confessed he could not see the logic of it, or the strength of it when applied to the Gentlemen constituting the present Government. He did not think Her Majesty's present advisers had merited any confidence from any party on account of their management of the affairs of Ireland. He thought that the fact of such a Government having the management of this Bill, was an aggravation of the Bill, and so far from thinking that the measure should be allowed any advance because of the men from whom it emanated, his conviction was, that for this very

cause the measure, even if excusable under other circumstances, ought not to be supported. His argument was, tnat Her Majesty's Ministers did not merit the confidence of that House, or of the country, because they had grossly mismanaged the affairs of Ireland, and had shown themselves not to be friends to the true interests of the Irish people. He felt it to be his duty to enter into some detail on this part of the subject, and he would begin with the noble Lord by whom it was reported in the newspapers the Bill had been introduced. He merely spoke of a speech published in the newspapers, and whether that speech had been uttered or not, it was not his business to inquire. It was stated in the newspapers that the Earl of St. Germans, the late Secretary for Ireland, was the introducer and sponsor of this Bill; and he would object to it, if for no other reason than that it had been introduced by that noble Lord. He recollected well, before the present Administration came into power, what praises were given to that noble Lord. He was stated to be a man of moderate opinions in politics; but in Ireland they unfortunately knew too well what moderate political opinions meant. In the speech of that noble Lord, on his election for Cornwall, after his appointment as Chief Secretary for Ireland, he spoke in these terms :—

"He knew that the policy of Sir Robert Peel in Ireland would be a sound and a wise one; that it would be dictated in a spirit of peace and conciliation—that he would study to promote the interests of Ireland, by developing its resources and improving the condition of the people; and that he would legislate for Ireland in a manner that would combine wisdom with moderation. The Government would pay court to no party. It would endeavour to do justice to all. It would not be the Government of a party, but of the entire Irish people; and he trusted, by the measures that would be adopted, it would not only deserve, but obtain their confidence and good will."

And yet after such language they had him here introducing a Bill, the object of which was to trample on the few remaining liberties of the Irish people. Now this noble Lord, who went to Ireland with this stamp of moderation, with the title of an honourable man—this noble Lord, for whose appointment the right hon. Baronet opposite was complimented by the noble Lord the Member for the city of London, went to Ireland; and what was his first act there? An election came on there—the election of one of the hon. Members for the city of Dublin (Mr. Gregory). A gross injustice was inflicted on the citizens of Dublin by the sheriff, who was in the interest of the fag end of the old corporation, and who had appointed some wretched creature of his in one of the largest booths of the city. This creature took care to throw every possible obstacle in the way of the votes for the noble Lord the present Member for the West Riding of Yorkshire. Great complaints were made by the friends of the Liberal candidate at such conduct being permitted. An appeal was made to Lord St. Germans. They applied to his moderation—to his candour—they told him how a large proportion of the electors of Dublin were being robbed of their franchise, and deprived of the privilege of voting. But what did he do? He gave no satisfaction whatever, and when he found himself closely pushed, he threw the correspondence aside, and went to England, leaving the matter in the hands of the present Solicitor General, Mr. Brewster, whose known Orangeism left the liberal party no hope. Such was the first act of the moderate man. The moderate man went back to Ireland; and it was useless to tell him (Mr. John O'Connell) that he was not the prime mover of what afterwards occurred; for, by retaining office, he made himself responsible for it. He was a party to the appointment on the Bench, and to every possible situation, of men who though distinguished as lawyers and men of talents, were virulently and bitterly opposed to the demands, wishes, and interests of the people of Ireland. Again, this moderate man was a consenting party to the dismissal of five or six stipendiary magistrates, for no other apperent cause than that, being Whig appointments, they were men who were beginning to inspire the people with some confidence in the administration of the laws. With Lord St. Germans' sanction too, a large number of the unpaid magistracy, men of rank and station, and most unimpeachable character, were summarily dismissed from the Bench, because of not being partisans and satellites of the Government. Further he took his share of the credit to attach to the ungrammatical and unconstitutional documents and proclamations with which the Lord Chancellor and the Irish Government favoured the people in the year 1843. He was a party —this moderate man—to that which, if it were not a meditated measure, was as near to it as it could be without the massacre occurring—a massacre the escape from which was owing entirely to the exertions of the popular party in Ireland. That subject had not been as yet taken up as it should

be. It was not to be passed over and forgotten. The people of Ireland were exposed to a danger unequalled, if not in cold-blooded cruelty, at least in cold-blooded heedlessness. The Government had allowed the monster meetings to go on throughout the whole of 1843 without any check, because the people gave no cause for interfering. At length, just at the very close of these meetings, the Privy Council met. They assembled on a Friday, and agreed to a proclamation against an intended meeting to be held on the Sunday after at Clontarf, and which had been advertised for weeks before. They knew that multitudes would come from all parts of Ireland, as well as from Liverpool and Manchester, and yet they took no steps before then. But even on Friday they did not issue their proclamation. They withheld it until the following day, and even then the Irish Government and this moderate man did not issue it until dusk in the evening. When this moderate man was accused of the danger to which the people had been subjected by this delay, and when the Liberal party at the Corn Exchange alone saved them from being exposed to a massacre, his reply was, that the delay was required, he thought, he said, by the spelling, but, at any rate, by the writing of the proclamation. Now, could anything be more full of mockery than such a pretext, when the lives of thousands were at stake, and where, if the meeting had assembled, a riot got up by any of the informers still employed about the Castle of Dublin would have been a sufficient pretext to order the troops to fire? Until this matter was cleared up, the guilt of blood, or of incurring the risk of shedding blood, would rest on those who were parties to the proclamation. If there were men in the Council who advised that the proclamation should be deliberately withheld until it would be too late to prevent the meeting, the noble lord ought not to have been a party to so fearful a risk. The noble Lord was also a party to the reappointment to the magistracy of Mr. Nixon of Fermanagh, who had outraged the feelings of the Catholics of Ireland by insulting their religion with a piece of low Orange ribaldry, as well as of other magistrates, whose unfitness for their position was proved by the fact that the Government had since been compelled to remove their names from the commission. The noble Lord was also a party to the appointment of the Earl of Lucan to the Lord Lieutenancy of Mayo, immediately after he had offered a gross insult to a bench of Irish magistrates. The Earl of Lucan had also refused a grant to the Sisters of Charity—a class regarded with respect and esteem by persons of all religious creeds—a site for a convent in the town of Castlebar. Such a request had not been refused in any other part of Ireland; and even Protestants, who were most determined opponents of Catholicism, had cheerfully subscribed to the support of these establishments. The Earl of Lucan was, however, immediately rewarded for his conduct by an appointment to the Lord Lieutenancy; and in this appointment the noble Lord who was then Secretary for Ireland acquiesced. That noble Lord (the Earl of Saint Germans), therefore, if not a prime mover in these manifestations of hostility to the Irish people, was at least *particeps criminis*. He distinguished himself again with reference to the monstrous evictions on the Gerrard property. Although that noble Lord could be eloquent in expatiating on the crimes of the Irish peasantry, he passed very lightly over the crimes of the Irish landlords. The noble Earl, when alluding to the Gerrard case, said, that though he must deplore such occurrences, the Government could not interfere. Of course, the Government could not interfere so long as the present law remained on the Statute-book; but they could interfere by introducing measures for the protection of the Irish tenantry, by giving an assurance that the landlord should not be allowed to abuse those rights of property which were vested in him by law. The conduct of the Members of the Government in that House was not such as to justify the House in giving them its support in such a measure. The right hon. Secretary for the Home Department, if he had not redeemed his former deeds, had, at any rate, expressed his regret at the language which he had formerly used towards Ireland, and with apparent sincerity had promised measures for the good of Ireland, and had said, that for the future the Irish should be legislated for with reference to Irish views and feelings; but he was contravening his expressed opinion by the support he gave to the measure. But the recollection of his conduct while on the Opposition side of the House bitterly remained in the minds of the people of Ireland. However, they were ready to grasp even at a straw; and now they called upon him and implored of him to show by effective acts that he was

sincere in his repentance; and that he adhered in fact as well as words to a new line of policy. As to the First Lord of the Treasury, he had not made the same declarations. It might be from a difference of temperament; but whatever it was, the effect was unfortunate, as thereby there was nothing to turn the minds of the Irish people from a bitter review of that right hon. Gentleman's consistent hostility of conduct. When he commenced his Secretaryship in Ireland, he set about a most unjust and tyrannical prosecution of the press; and during his holding that office, the Orange system gained the greatest influence, which was attributed to him. But he (Mr. J. O'Connell) did not charge him with it, because he had not facts before him on which he could establish such a case. He believed, however, when the right hon. Baronet was Secretary for Ireland, the system was established under which almost every young Protestant gentleman in that country, immediately on his coming of age, was induced to be sworn in an Orangeman. The right hon. Baronet had shown a strong sympathy for that class on several occasions, and had talked of their superabounding in loyalty; but, at any rate, while in Ireland, he was always connected with them. He was strictly mixed up also with the unhappy Castlereagh, the bigot Sidmouth, and the bigot Eldon, and other enemies of Ireland, and gave his constant support to them. He also for a long series of years had opposed all concessions to the Catholics, and never gave way until the force of circumstances compelled him to do so; and then he said that his feelings and convictions were against it, and clogged the measure with the most offensive and obnoxious restrictions. Such conduct could not but have its effect on the minds of the people of Ireland. No one could forget his conduct while in opposition. In the year 1833, when the Whigs proposed their Coercion Bill, it was he who cheered them on—it was he who made speeches in favour of the measure, exciting passion and prejudice, raking from their obscurity tales of bygone outrage, which he detailed with admirable dramatic effect, highly wrought theatrical gesture, and a well-assumed display of intensity of feeling, all admirably calculated to produce their effect upon the feelings of the Parliament. Since that time, every measure proposed for the benefit of Ireland had received the right hon. Baronet's opposition. A miserable corporate reform bill had been mutilated by him and by his party. He was one of those who cheered on a noble Lord who had gone to another place—he meant Lord Stanley—in his gross and infamous attack on the political rights of the Irish electorate. He it was who described the Bill of that noble Lord as a measure "absolutely necessary and indispensable," and yet who was the first, when it had answered the end of annoying the then Whig Administration, to throw it overboard as wholly unnecessary, and as a Bill most easily to be dispensed with. The people of Ireland could not, then, but remember the wrongs they had received from the right hon. Baronet; and his conduct respecting that Bill revived the recollection of those wrongs with fresh and greatly increased bitterness. His countrymen knew that the right hon. Baronet, while Janus-like smiling on them with unwonted liberality in that House, yet in Ireland was exercising, through his agents, coercive tyranny, despotism, and injustice, never, he believed, to be forgotten. When these, then, were the men to administer this Bill—men who were guilty themselves, in their own acts, but still more so by the license they had given their reckless and malignant subordinates in Ireland—was it too much to say that, setting aside all points of detail, the very fact of this Government being in office was a sufficient reason for spurning this most injurious measure? But let the House seriously consider well the facts connected with the measure. Where was the necessity for it—where was it proved to be required? Had the powers of the Government been fairly tested and found to be of none effect? If they had, he for one, viewing with disgust the hideous crimes which a small portion of the people of Ireland were in the habit of committing, should have felt it is his duty to offer no opposition. But he most distinctly and utterly denied that the Government had used such powers. They possessed the great power of issuing a Special Commission. They had only tried the effect of that power in the single case of Bryan Seery. In that case, if the Commission did not overshoot the mark, as some suppose, they certainly did not fall short of it. The Government got a conviction, and they executed their man; what more did they want? He would not say that in that case an innocent man had paid the atonement (though there was certainly a very strong feeling on that point in Ireland), but he mentioned it to show that, rightly or wrongly, the culprit had in

this case suffered the extreme penalty of the law. The Government, no doubt, would declare that the "Special Commission" had in this case "succeeded." Why, then, did they forego that power? On account of the expense or the trouble? Those, surely, were not considerations which should be allowed to weigh against so grave and perilous a step as a suspension of the Constitution. The fact was, that in the present case they had not tried their powers; and until they had fairly tried them, and found them to fail, the Government could scarcely demand to be invested with a new and more despotic authority. But besides this power, they had the provisions of the Whiteboy Acts to put in force. It was, therefore, most unwarrantable, if not criminal, towards that country to endeavour to get these unconstitutional powers. He believed that this measure had been suggested by the undertaker party in Ireland, which had been so long the bane to that country; but he was glad to find that the better portion of that party were shaking off connexien with it, and did not longer look merely to ascendancy. Such persons as the present Irish Solicitor General were opposed to all concessions to the Irish people, and in their hearts distrusted the right hon. Baronet, while at the same time they were making a tool of him. The Government had not touched the causes of crime. They had passed them entirely over. He would ask the House what those causes were? It would be his duty to enter into an explanation of them, not in his own words, but in the words of the records of the House of Commons itself. The outrages which were alleged as the justifications of the Coercion Bill, had their origin directly in the unfortunate state of the law as between landlord and tenant. Outrage on the part of the landlord begot outrage in the tenant, until, in one word, there was nothing less than the relationship of murder between them. The hon. Member quoted, from the Appendix to Lord Devon's Report, the number of ejectments within the period of five years, amounting to nearly 35,000—an aggregate of evil and misery which must necessarily produce the very worst feelings. Chief Justice Pennefather, delivering judgment in "Delapp v. Leonard," in 1843, said—

"The whole code relating to landlord and tenant in this country was framed with a view to the interests of the landlord alone, and to enforce the payment of the rent by the tenants; the interest of the tenants never entered into the contemplation of the Legislature."

Mr. Serjeant Howley, Assistant Barrister, before Lord Devon's Commission, after detailing the several statutes relating to the occupation of land, from 11th Anne to the Civil Bill Ejectment Acts, said—

"These statutes are all statutes beneficial to the landlord, enlarging the remedy he had at common law, and giving him additional powers, either to obtain his rent, or, in default, to obtain possession of the land." "The civil bill ejectment system I consider more advantageous to the landlord than the tenant: it gives greater facilities and more summary power to the landlord."

Mr. Blacker, a barrister under the Insurrection Act, said, before the Lords' Committee, in 1824—"The primary cause of the disorders in Ireland is, the distressed condition of the people." Mr. Serjeant Lloyd, speaking of disturbances in the county Kilkenny, said that they were produced by a combination to prevent the dispossession of old tenants and the admission of new. Major General Bourke, before the Lords' Committee, in 1825, stated as the causes of disturbance, "oppressive measures adopted towards the tenantry, and the pressure of distress." Other witnesses added as causes, the absence or non-residence of landlords, and the tenants being harassed about their votes; and all agreed there was no political object in the peasants' outrages. To turn now to the testimony of an Englishman—one of that favoured nation (as had been well said during the evening) whose opinions would be more respected than those of an Irishman, the Irishman being the only man who was held to be unable either to pronounce an opinion, or to hold an office, or to be entrusted with power in his own country—Mr. Wiggins, an Englishman, who had been a land agent for thirty years, managing most extensive estates in Ireland, and most intimately acquainted with the country, but no friend to Repealers, said, before the Commons' Committee, in 1830—

"The tenantry are in a low state of serfage; their condition is abject, their treatment haughty, their distance from intercourse with the lords of the soil immense; they are handed over to the tender mercies of agents, whose chief duty is the exaction by every possible means of the highest possible rent, and the mere collection is regarded by their employers as a full discharge of their duties." "Land is so essential in the dense agricultural population, that much beyond the amount of produce will be eagerly offered as rent:" "when the inevitable arrear comes on, further injustice is perpetrated; for instance, the tenant is made to bear all the burden of the poor rate by a refusal to allow any part of it till the last penny of rent is paid—a thing neither probable nor expected." "Does a landlord evince a disposition to let his lands at moderate rents? He is laughed at for

his amiable weakness." "The struggle between the wish of a landlord to be popular, and yet to exact all he can, is often ludicrous enough. 'Give it to the poor man,' said a landlord to his agent, adding, when the poor man was gone, 'you need not do so, nevertheless, you know'—which was overheard by another tenant."

He held in his hand an address of thanks from the tenantry of the Marquess of Ormonde to that nobleman; and though he differed from that noble Lord with respect to politics, he must admit that he was a most kind and considerate landlord. But what was the noble Lord praised for in this address? For nothing more than the performance of his strict duties. There was a volume of Irish history in that single fact. If a man was so praised for discharging nothing more than the strict duties of a landlord, did it not come home to the mind of every one that he must be an exception to the general rule, and that the general rule was in Ireland to have a man who did not regard the duties, however strictly he might exercise the rights, of a landlord? He was also in possession of heart-sickening details of exterminations in Ireland, and it would have been his duty, had he risen at any earlier period, to have gone into them; but he would state one case of extreme hardship. The hon. Member here read the details of the case of an individual tenant, who was distrained on in the county of Kilkenny. The man's name was Patrick Ring, tenant on the estate of Richard Shee, of Blackwell Lodge. This was a most atrocious case. A landlord, to get rid of a tenant, sued him for rent which was not due: this unjust claim was defeated; but the landlord, having the longer purse, was able again and again to try his luck, until at last he got a complaisant jury, who gave a verdict against the tenant. He then distrained the whole of his stock, even his seed for clover and potatoes; and to render the matter worse this was done in the spring of the year, when the tenant must have suffered from it the most severely. Notwithstanding all this, such was the energy and industry of this poor man, that he at last cleared off the tremendous arrear of law costs, with the exception of a single pound, which remained over due. The man was hunted for this pound; he had nothing in his house, and the landlord actually took measures to prevent victuals coming in, by punishing the compassionate neighbours who attempted to afford relief. At length when the suffering of the poor creature's wife and family had reached a point of terrible intensity, he broke from the house, armed with a pitchfork, and kept off the bailiffs, till he was able to get in some of his own potatoes. For this, he was prosecuted and thrown into prison by his landlord, as if for criminal robbery. But this was not a solitary case; the same determination to root out obnoxious tenants had been exemplified in very many cases which were daily and hourly occurring in Ireland. And while the Government had been preparing their unjust and iniquitous Coercion Bill, they had been allowing all these portentous evils to go on every day aggravating in Ireland. They were doing worse than this. They talked of the "moral effect" of this measure. He admitted it would have a moral effect; but it would be a moral effect of a most disastrous nature on the minds of the people of Ireland, in the permanent desperation and alienation of their hearts from this country, which would be caused by the passing of this Bill. Another most disastrous effect would be produced by it. Those wholesale evictions of tenantry would be encouraged; for they had become twice as flagrant and as rife since this Bill had been passed in the Upper House. He had it on most undoubted authority—which would probably receive confirmation from the reports made to the Government offices in Ireland—that the landlords of that class who might be called exterminators, who had been heretofore restrained to some extent, by the wild law of criminal revenge, which was almost the only restraint upon these outrageous proceedings, had now been encouraged by the prospect of the power that this Bill would give them in keeping down and coercing the people. Hence it was that these exterminations had been going on to an extent such as had never been known in Ireland. Within a few weeks the *Cork Examiner* had given lists of the families and individuals ejected from their holdings; and they were numerous beyond precedent. From the Gerrard property, 80 families and 457 individuals had been ejected; from Sir Francis Hopkins's, 37 families and 218 individuals; from a Mr. Tuthill's estate, 9 families and 53 individuals; and from two other properties, 95 families and 270 individuals, respectively; being a total of 1,271 human beings, who, in the course of a few weeks, had been disposed of like cattle, exterminated like vermin. There was the moral effect of the Coercion Bill; these were its first fruits; for the moment it had passed the other House, these scenes began to be

enacted. Government might use what effects they could to patch up the discordant elements into which their once compact majority had been broken, in order to force the passing of this obnoxious measure; but on them would rest the responsibility for its fearful consequences, though the grief, and misery, and desperation, must fall upon poor Ireland. But he contended that this Bill would be utterly inefficient for the ends it professed to answer. This was proved by all former experience of Coercion Bills and Insurrection Acts. In support of this statement, the hon. Member read extracts from the evidence given before various Parliamentary Committees, from 1822 downwards. The only effect of the Bill would be more effectually to expose the poor peasant to the persecution of that army of spies, informers, and hunters, called the police, whom Government thus encouraged and fostered. The right hon. the Secretary of War had defended the Bill, because it had been asked for by the magistrates in some of the Irish counties; but though it was natural for men having difficult duties to perform to beg for an accession of power, that was no argument whatever why the Government should listen to their addresses, and violate the Constitution to satisfy them. The same right hon. Gentleman had accused the Irish Members of pursuing a line of conduct in opposition to this Bill, which tended to foster and encourage what had been called the "wild justice of revenge" amongst the Irish peasants. He thought that their words should be measured in such a debate as the present, and every allowance should be made for excited feelings. He did not think the right hon. Gentleman had intended to make use of any such words; they had dropped from him in an unguarded moment. Before concluding, he was bound to state shortly, but distinctly, his view of the remedies that ought to be applied to the state of Ireland. He had attacked the landlords; but he readily confessed that they were in some measure victims of a system as well as the tenants. The extreme pressure of population in Ireland upon the land alone, as the only means of subsistence, gave rise to that life-and-death bidding against each other for land on the part of the peasantry, that offered so irresistible a temptation, and almost a necessity, to the landlord to accept the most extravagant offer. Poor creatures, anxious to prolong existence by even one year more of struggle, would offer the most extravagant and impossible rents to get a holding. Now, were there manufactures in the country, there would be other means of employment and subsistence than on land. The subletting system, which had been so much condemned, could not be put an end to except by drawing the surplus population away from the land, and giving them those other employments which every country, in a right economical condition, ought to be able to give its population. If their commerce and manufactures had increased, as they were doing when their Parliament was taken away from them, there would not have been the numerous crimes which they had seen in connexion with land. Another remedy was a tax on absentees. It was truly monstrous, at such a time particularly, to have men draining away such enormous rents from Ireland without any return. These might be only partial remedies; but the Irish Members had a general and a comprehensive remedy in Repeal, which would give the absentees a reason and an inducement to remain at home, which would cause the money of Ireland to be spent and circulated at home, and so renovate industry and enterprize, and which would bring local knowledge and good-will to the difficult task of Irish legislation. But if that House would not hear of Repeal, they at least ought to take up the partial remedies he was suggesting. The relations between landlord and tenant must be settled on an equitable basis. He did not want them to apply to that settlement any theory or any untried plan whatever. He did not even want them to adopt the bold and successful, but somewhat arbitrary measures, by which Stein and Hardenberg had made the Prussian people peaceful and prosperous. There was a custom existing in Ireland itself—in Ireland's most prosperous province, tested by long experience—he meant the tenant right. Why not adopt that? The only objection he considered to have even the semblance of strength was, that the incoming tenant impoverished himself by the moneys he paid to the outgoer. But in nine cases out of ten, the man came from a holding for the giving up of which he had himself received a sum of money; and so was able to pay for his new tenancy. Even at the worst, however, his case was not worse than that of the tenant under the other system which prevailed in other parts of Ireland. The tenant in the south was as poor as man could be, and as wretched; but such was not the case in the northern

counties where the landlords allowed and respected the tenant right. Eminent among this better class of landlords was the Marquess of Londonderry; and he had great gratification in bearing his testimony to that effect. He would just give one extract to show the kind of objection made to the tenant right:—

"Captain George D. Cranfield, agent to Powerscourt estate, county Tyrone (p. 848, Devon Commission):—35. Is the tenant right, or sale of good will, prevalent in the district, and is it recognised by the landlord? It is prevalent, and the landlord is aware of it, and does not object to it. It is to a very great extent upon the Benburb estate.—36. What in your opinion is the effect of the custom? I think there is a manifest benefit to the tenant; and I think in some respects a benefit to the landlord, and in others a disadvantage. I think with respect to the landlord, his rent is always secured. In other places, if the tenant is threatened with an ejectment, he gathers up every thing he can and runs away. Under this system I know the tenants are most anxious, if served with an ejectment, to make a settlement at once. I think the advantage to the landlord is the security of his rent. If a tenant does go away, there are many ready to pay up the arrears. On the other hand, there is a bar to improvement; if the landlord wishes, for example, to get gentry upon his estate, how is he to do it? He must purchase his estate and make a good large farm for a respectable person to reside upon, without either breaking the custom or repurchasing his estate over again. He could not put eight or ten tenants out."

Why what was this but the very thing they all in that House were anxious to prevent—viz., the clearance of estates—the throwing out numbers of poor creatures without fault of their own, that all their small holdings might be lumped together to make one large farm for an individual. In fact, the evidence was almost unanimous in favour of this right; and there was no valid objection to it which did not apply with tenfold force to the prevailing system in other parts of the country. As had been said by one of the witnesses before Lord Devon's Commission, but for the existence of the tenant right in Ulster there would be a Tipperary in the county of Down.—The hon. Member concluded by thanking the House for the patience with which they had listened to him in the discharge of what he conceived to be a solemn and imperative duty.

Debate adjourned to Monday.

House adjourned at half-past One o'clock.

HOUSE OF LORDS,

Monday, April 27, 1846.

MINUTES.] PUBLIC BILLS.—1ª. Coal Whippers (Port of London).

PETITIONS PRESENTED. By the Marquess of Salisbury, Lord Cottenham, and the Earl of Eldon, from several Charitable Institutions, against the Charitable Trusts Bill.—By the Duke of Wellington, from the Mayor, Aldermen, and Burgesses of the City of Winchester, for the Adoption of a Measure for the Employment and Reformation of Discharged Prisoners.—By the Earl of Powis, from Norwich, and a great number of other places, against the Union of Saint Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester.—By the Marquess of Clanricarde, from Guardians of the Horne Union, and from Saffron Walden, for the Adoption of a Measure making the Landlords of Cottages where the rent is under £6 liable to the Poor Rates.—By Lord Campbell, Earl Fitzwilliam, and Bishop of St. David's, from Liverpool, and several other places, for the Better Observance of, and for the Prevention of the Sale of Intoxicating Liquors on, the Sabbath.—From Trustees for the Creditors of the Burgh of Paisley, against the Burghs (Scotland) Bill.—From the Churchwardens and Overseers of the Parish of Saint Margaret, Wiltshire, for Inquiry into the Existing State of the Law of Settlement and Removal of the Poor, and the Manner in which it affects both the Ratepayers and the Poor.—From the Synod of Aberdeen, for Continuance of Laws which require Subscription of Religious Tests from Professors in Scotch Universities.—By the Duke of Richmond, from Guardians of the Eastbourne Union, for Repeal of Lunatics Act and Lunatic Asylums and Pauper Lunatics Act, so far as respects the Expense of Building and Maintaining a County Lunatic Asylum.—From several Members of the Medical Profession in Ireland, complaining of Inadequate Remuneration for their Services, and for Relief.—By the Marquess of Salisbury, from Sawbridgeworth, and a great number of other places, for Protection of the Agricultural Interest.

THE CORN BILL.

LORD BROUGHAM called the attention of the noble and learned Lord upon the Woolsack, and also of the noble Duke (the Duke of Wellington), to a Motion he was about to make for returns connected with the question of the importation of Foreign Corn, and also with the importation of Corn from Ireland. The production of these Papers could not be objected to, because they had already been produced in the other House. It might naturally suggest itself to noble Lords that he was rather premature in moving for returns which went to affect the discussion they were about to have upon that most important measure the Corn Bill, which, he perceived by the Votes of the other House of Parliament, had at various times and in different manners occupied its attention during many weeks of the present Session. It was a measure which he perceived from the same Votes—for of course he could only look to the Votes for information—had made no considerable progress in that House. The state into which the business of the country had been brought, according to the Votes, which were the only records he had access to by the Constitution of the country, and by the law of Parliament, was such that in the foreign capital

from which he had lately returned he had heard grave doubts expressed respecting the expediency of our system by persons with whom no doubt he differed upon nearly all political questions. He had in vain defended our system against his friends at the French bar, and among French politicians. He had argued with them, that what they looked upon as the radical defect and vice of our system, was only of a passing, temporary, and accidental nature—that it must be accounted for by the various caprices of fortune, which had placed certain men in certain positions, of which they availed themselves, affecting to be in favour of a measure which in their hearts they hated, or affecting to be against a measure which in their hearts they loved, only complaining that it did not go far enough, and waving their opposition to the measure they loved, in the hope of postponing the measure they hated. He had given this explanation to his friends in France of the present state of things with regard to the Corn Bill. "But," said they, "facts are against you; you do not get on; your business is stopped; there is an utter incapacity to carry on the business of the country; and how long it is to last, or what is to happen, who can tell?" His other answer had been this: the nature of the British Constitution, and its singular excellence, is, that wherever there shall happen to arise any temporary mischief from the friction of the parts of the machine, or any resistance in the medium through which it moves, there is in that great political engine (the perfection of human polity, as he firmly, conscientiously, and seriously believed — a well-regulated constitutional monarchy, acting by means of a well regulated representative system), a *vis medicatrix*, a power of re-adjustment, self-corrective and adaptative, which never failed to get rid of any temporary obstruction, and to restore harmony in its working. Their Lordships possessed a power within themselves of applying the corrective, and of administering an effectual remedy. If in any quarter, of whatever colour of politics, the desperate hope was entertained of frustrating the intentions of Parliament, and of the country, by endless and vexatious delays, or of postponing the arrival of that great, and, in his conscience he believed, most salutary measure into their Lordships' House till it should be too late to discuss it (for without ample discussion God forbid it should be carried this Session), then the remedy was in their Lordships' own hands, for they had the power of anticipating the discussion, and of coming to a deliberate and well-considered opinion. And if, in the course of a fortnight, he should, by having recourse again to the Votes, still find the same obstruction to this, and indeed to all business elsewhere—for it was not to the Corn Bill, but to all other business that the obstruction referred — he should deem it his bounden duty, as their Lordships had the unquestionable right, to bring on the subject for discussion without waiting for the Bill; and thus give noble Lords an opportunity of discussing, and deliberating, and pronouncing their opinion upon the general principle of that great and most important commercial change. And when their Lordships, after discussion, should have pronounced a favourable opinion upon the principle, as he earnestly hoped and confidently expected would be the case, then he might venture, without any gift or prophecy, to foretell that the passage of that and other measures would no longer meet with obstruction elsewhere. With the view, therefore, of preparing for the discussion, which might be wholly unnecessary, but which might also become absolutely necessary — he took leave to move for the returns.

Motion agreed to.

RAILWAY LEGISLATION.

The Earl of DALHOUSIE said, he had now to submit to their Lordships the Resolutions of which he had given notice on Thursday last, on the subject of Railways. Since that period a Motion had been made in the other House of Parliament, and agreed to, for the adoption of Resolutions similar in terms to those which he had laid on the Table of their Lordships' House. But as some slight additions had been made to the Resolutions in the other House, he would wish, if their Lordships were of opinion that these Resolutions should be passed, to make similar alterations in their Lordships' Order. The noble Lord then mentioned some verbal amendments which he wished to have adopted. In the first Resolution he proposed that the copy of the Bill to be laid before the meeting of scripholders should be presented in the state in which it happened to be before either House of Parliament. In the third Resolution he proposed to insert after the words "producing thereat scrip of the company," the words "or of

bankers' certificates;" and in the second Resolution, having reference to Scotch railways, instead of having the notices of the proposed meetings inserted three times in two Edinburgh newspapers, he proposed that such notices should be inserted twice in each of the three Edinburgh newspapers. In the fourth Resolution, having reference to companies already incorporated, and applying for Bills to empower them to make new branch lines, it was provided in the Resolution, as it now stood, that the meeting should be constituted of shareholders or stockholders competent to vote at the ordinary meetings of the company. It was usual, however, in such cases, to issue certain shares expressly for the new branch, on the understanding that if the Act were obtained the holders of such scrip were to be incorporated with the old company. It was a matter of doubt whether the meetings in such cases should be meetings of the new scripholders, or of the entire of the old company; and he now proposed that the meetings should be held in the same manner as in the case of companies that had not yet obtained their Bills. He proposed to submit another Resolution with respect to the Irish Bills. In the other House of Parliament they had adopted a Resolution that every Railway Bill which now stood for a third reading in that House, should be excepted from the new Standing Order; and he would beg leave to suggest that their Lordships should also adopt a similar Resolution. In answer to the noble Marquess opposite (the Marquess of Clanricarde), he stated a few evenings ago that Her Majesty's Government had in the early part of last Session expressed a desire to avoid all unnecessary delay in the progress, or at least in the consideration of Irish Railway Bills; and in that spirit he would now wish that the Bills fixed for a third reading in their Lordships' House should be excepted from the Resolutions, inasmuch as they would still have to go through the regular form in the other House. The noble Duke on the cross benches had that evening proposed that the Irish Great Western Railway Bill (Dublin to Galway) should be submitted to a still further test; but that question would be in no wise affected by the Resolution which he now proposed.

"I. *Resolved*—That this House will not read a third time any Bill to empower any Company (whether intended to be incorporated by such Bill, or already incorporated by Act of Parliament) to construct a Railway, unless three clear Days before the third reading there shall have been deposited at the Office of the Clerk of the Parliament, there to be open to the inspection of all parties, a Certificate signed and authenticated in manner hereinafter mentioned, and comprising the particulars hereinafter expressed, and stating the following facts, viz.:—

"1. That a Copy of the Bill in the state in which it may have been at the time, was submitted to the consideration of a meeting of the holders of scrip, or of bankers' receipts for scrip, of the Company, or (in case of a Company already incorporated) of the shareholders or stockholders of the Company, specially called for that purpose.

"2. That such meeting was called by advertisements, inserted once in each of two consecutive weeks in the *London Gazette* (if the Railway be an English Railway), or in the *London* and *Edinburgh Gazettes* (if the Railway be a Scotch Railway); or in the *London* and *Dublin Gazettes* (if the Railway be an Irish Railway), and in each case in at least three London daily newspapers, and not less than three times in each such paper in each of such two consecutive weeks; and in case the Railway be a Scotch Railway, not less than twice in each of three Edinburgh newspapers in each of such two consecutive weeks; and in case the Railway be an Irish Railway, not less than three times in each of two Dublin daily newspapers in each of such two consecutive weeks.

"3. In the case of the Company being intended to be incorporated by the Bill—That such meeting was constituted of persons producing thereat scrip, or bankers' receipts for scrip of the Company, representing not less than one third part of the whole capital proposed to be raised by the Company under the Bill (such scrip having been actually issued, or the deposits in respect thereof having been paid before the 31st of March in the present year).

"4. In the case of the Company being already incorporated—That such meeting was held, except so far as is herein otherwise provided, according to the constitution of the Company, and was constituted of shareholders or stockholders thereof competent to vote at the ordinary meetings of the Company, and representing, either personally or as proxies, not less than one-third part of the whole capital of stock of the Company.

"5. That at such meeting the Bill was approved of by persons producing thereat scrip, or bankers' receipts for scrip, equal to at least three-fifths of the total amount of scrip, or bankers' receipts for scrip, produced at the meeting; or, in the case of a Company already incorporated, by three-fifths at least of the meeting, the votes being given and computed according to the constitution of the Company.

"6. That those cases in which the Bill is promoted by an incorporated Company, but the parties interested are holders of scrip which it is proposed shall be converted into shares or stock, or otherwise become portion of the interest of the incorporated Company on the passing of the Bill, and contingently only on that event, shall, for the purposes of this Resolution, be deemed to be cases of companies not yet incorporated.

"II. *Resolved*—That for the purposes of this Resolution it shall be competent for the chairman of any meeting called in pursuance thereof, in the event of the above prescribed quorum of scrip, shares, or stock (as the case may be) not being represented at such meeting, to cause the votes of the persons constituting the said meeting, appro-

ving or not approving of the Bill, to be taken and recorded, and then to adjourn the same to some day, hour, and place to be declared by the chairman, such day not being less than three days, and not more than one week, from the original day of meeting; and such day, hour, and place being, in the meantime, advertised twice in each of three London daily newspapers, or in the Edinburgh or Dublin newspapers, as above directed in the case of Scotch or Irish railways; and at such adjourned meeting it shall also be competent to the chairman thereof to cause to be taken and recorded the votes of such of the persons constituting the same as have not voted at the original meeting; and the total amount of votes given at the original and adjourned meeting shall be received as if given at one and the same meeting.

"III. *Resolved*—That such certificate shall also comprise, in a tabular form, the following particulars:—

"1. The day, time, and place of the meeting, and of the adjourned meeting (if any).

"2. The dates of insertion of the advertisements for the meeting, and the names of the newspapers in which they were inserted.

"3. The names and addresses of the persons producing scrip, or bankers' receipts for scrip, at the meeting, according to the statements of such persons.

"Or, in the case of a company already incorporated,

"The names and addresses of the shareholders, or stockholders, present at the meeting, according to the register book of names and addresses.

"4. The denoting numbers, if any, of the scrip, and in the case of the bankers' receipts, the names of the persons from whom the deposit is therein stated to be received, and the amount of the scrip and receipts respectively produced by the persons so producing the same at the meeting.

"Or, in case of a company already incorporated,

"The respective amounts of shares or stock held or represented by the shareholders or stockholders attending the meeting.

"5. The fact of the approval or non-approval of the Bill (as the case may be) by the several persons producing scrip or bankers' receipts at the meeting, or by the several shareholders or stockholders attending the meeting.

"6. The total amount of scrip and bankers' receipts produced at such meeting, and the amount thereof produced by the persons approving of the Bill.

"Or, in the case of a company already incorporated,

"The total amount of shares of stock represented, either in person or by proxy, at the meeting, and the amount thereof so represented by persons approving of the Bill.

"7. The total amount of the capital proposed to be raised by the Company under the Bill.

"Or, in case of a Company already incorporated,

"The total amount of the capital or stock of such company.

"IV. *Resolved*—That such certificate shall be signed by the chairman of the meeting and by one of the solicitors of the Company; and the authenticity of such certificate shall be verified by the signature of the Parliamentary agent depositing the same."

Lord MONTEAGLE said, that having taken some part in the previous debate on this subject, he would, he trusted, stand excused in addressing himself to the question as it now stood. His noble Friend would allow him to observe, that of the last of the proposed Resolutions they had no notice whatever; and he would therefore suggest, not only as a matter of courtesy to their Lordships, but of Parliamentary convenience, that that question be postponed to a future day. He thought he could show his noble Friend that there were strong reasons why these Amendments ought to be postponed. One thing was certain—that when they were about altering in an essential manner a Sessional Order referring to a great branch of legislation, they ought not to make such essential alteration without any notice or preparation whatever. Their Lordships had no right to relax a restriction which they judged to be generally necessary in favour of particular Bills, in the hope or expectation that that restriction might or might not be applied in another place. He would say such a course was contrary to every principle of Parliamentary usage, and contrary to the dignity of their Lordships' House. If that course were right, it ought to be applicable to every Bill; if it were wrong, it ought not to be applicable to any. But, above all, he would say, that on the ground of public interest they ought to enforce a rule which they believed to be necessary in all instances. He had been himself entrusted with several petitions against some of these Bills; and his reply to the petitioners was, that if they had such good cases as they alleged against the Bills, the proper place for bringing them forward was at the intended meetings of the scripholders. On these grounds, he for one should object to such a course as that of adopting a rule in one moment, and relaxing that rule in favour of four or five Bills which chance or accident had brought to a particular stage before their Lordships' House, in the next. Now, with regard to the general question, he should say that he thought the proposition of Her Majesty's Government would do good as far as it went. It was a proposition to which he was extremely favourable; but he thought it ought to be fully acted upon. He thought they had at least a right to demand whether the parties who were the applicants for the Bills were or were not in earnest before the power of Parliament was applied to for passing a

Bill which would be inapplicable and inoperative when it became law. Their Lordships should recollect that it was not the parties applying for these Bills who would be affected by them. In assenting to them, the House gave the companies an enormous power of controlling private property, not only of Members of their Lordships' House, but of every subject in the realm through whose lands these railways were carried. They gave them a power of compulsory purchase, which was to be suspended over the heads of parties for years after the passing of the Bills. They should consider, besides, how often parties were interested in getting these Bills passed, without having any intention of carrying them into immediate operation. They were actuated by the desire of occupying the ground, and preventing rival schemes from being brought forward: thus, the undertaking of a branch might be sufficient for preventing a competing line from being established. Perhaps the Committee of his noble Friend on this subject would give them an opportunity of inquiring how many of the Railway Bills that passed in former Sessions had been acted on at all. Some of these companies either found that the money market would not enable them to realize the profits they had anticipated, or else they were actuated by the feeling to which he had just alluded, and were merely anxious to obtain possession of the ground. By adopting the course proposed by his noble Friend in this new Resolution, their Lordships would be taking a course that was neither wise nor manly. They would be shrinking from a duty which they were bound to perform, and that too in a manner neither creditable to the Legislature nor satisfactory to the public. At the commencement of the Session, when he had alluded to the necessity of taking active steps on this subject, they were told to wait until the Standing Orders would reduce the number of schemes—to wait, in fact, for anything rather than to do what was their real duty, namely, to stop at once the Railway Bills that ought not to be carried, and to assist those projects which ought to be supported. No doubt there had been great impartiality and a strong desire to do what was just on the part of their Lordships' Committees; but in the proceedings before these Committees, were there business-like views, and wisdom, and knowledge in the guidance of their labours? What could a Committee do? They had no means of consulting the general interests of the community. They had no means of considering the matter as a whole, or in a national point of view. Take, for instance, the most important and pressing of all views connected with railways—the military defence of the country—and how was it attended to on Committees? A Committee might be appointed on a railway from London to Portsmouth. But could that Committee combine with the question before them the subject of railway communication with Dover, or with Harwich, or with Plymouth? They could do no such thing. They could do, and no doubt would do, what was right with regard to the matter before them, but what was absolutely wrong as affecting the great interests of the country. Another subject of which he had to complain was, that in case a Railway Bill did not happen to be opposed, it was allowed to pass almost as a matter of course; whereas nothing could be more absurd than such a course. It was plain that the present system of railway legislation was one which could not be defended. It should not, therefore, be adhered to. They were at present shifting the responsibility from themselves to the shareholders; but they seemed to forget that by a confederacy the worst lines might even yet be carried by the opposition not being pressed. It was now three weeks or a fortnight since his noble Friend made his statement; the course proposed to be taken by Her Majesty's Government was then made known to the world at large. He (Lord Monteagle) wanted at that time that the measure should affect only the existing holders, but his suggestion had not been acted upon. But what was the effect of postponing these Resolutions since that time? Why, that companies having an object in defeating particular Bills in Parliament had had an opportunity afforded them of buying up scrip and acquiring votes, not for the purpose of protecting the interests of the real shareholders, but of prejudicing those interests. It would also have the opposite effect. Their Lordships must be aware that a most ingenious mode had been adopted by directors and others of obtaining profits at the establishment of these schemes. If, for instance, a company was to consist of 1,000 shares, the directors reserved 500 for their own use. Now, supposing they paid deposits on these 500 shares, they had, in consequence of the delay that had taken place in the passing of these Resolutions, an opportunity of dividing these re-

served shares among a great number of voters, and thus acquiring an influence in the votes of the company which they would otherwise not have possessed. He therefore thought there was great ground of complaint that the propositions had not been sooner brought under the notice of Parliament, affecting, as they did, so materially the most important improvement that science and Providence had conferred upon the world within the memory of any man now living.

The MARQUESS OF CLANRICARDE said, he entirely agreed in one view which had been taken by his noble Friend who had just sat down, in reference to the measures now proposed by Government. He thought it was a very great oversight on the part of the Executive, that a more direct and comprehensive system of legislation was not adopted with regard to railways generally, but that they were left to be dealt with by the Committees of the two Houses, who were really quite unable to take a comprehensive and proper view of the whole subject, and to enter into a minute examination of its details. He entirely agreed in the Resolutions that had been proposed; and, with regard to the objections of his noble Friend, he understood they were likely to be met by a proposition which had been adopted elsewhere. It was certainly a most powerful objection —namely, that under these Sessional Orders, a competing railway, on the one hand, might traffic in the stock of another railway to which it was opposed, in order to defeat it; and, on the other hand, that the directors might, by a particular issue of stock for the occasion, defeat the wish of the *boná fide* subscribers, so far as to carry the continuance of the project. He understood it had been proposed that, at these meetings, a certificate should be produced that the scrip had been purchased previous to the 31st of March, or at any rate at a time previous to the annunciation of this scheme of restraint. He knew not how far such a plan might be feasible or effectual; but, undoubtedly, on a first view of the case, it appeared as though it would have a great effect on any such speculation. While agreeing in these Resolutions, he could not concur in the general view taken by his noble Friend of the subject of railways, nor in his objections to the new Order now proposed, of which notice had been given on Friday night—namely, that the Bills now standing for a third reading should not be stopped in their way to the House of Commons by the operation of these Orders. He heartily joined in the sentiment of his noble Friend who had just spoken, who said, "If you apply this Order at all, let it be applied to all alike." But the noble Lord should look to what happened out of this House; and if he would attend to it, he would see that, in contemplation of this Sessional Order being passed, and of the Bills coming up to this House being subjected to it, the House of Commons had sent up to their Lordships, since they met, about a dozen of those very Bills which stood in that House for a third reading, and which had been read a third time that afternoon. This was the proper and rational view of the matter, as the companies had had no notice whatever of any such Order, and could not have expected anything of the kind to be carried; they had gone through one House of Parliament in accordance with the usual Orders, up to this stage; and they ought not to be subjected to a double operation of this Order, when, in point of fact, a single operation would be quite sufficient. He therefore trusted their Lordships would adopt the additional Order, and that these Bills would not be delayed. His noble Friend said, if they did that, it would be necessary to have separate Committees on certain Bills. This he utterly denied; to do so, would be to stultify all the proceedings of the House, and its Standing Orders. Petitions were required to be lodged before a certain time, and Committees were appointed to try their merits; but if they decided that, on particular petitions presented, no matter at what time, into the motives of the subscribers, to which they could not stop to inquire, of the truth of the allegations of which they had no knowledge whatever, and no voucher—they would again and again subject Bills to Committees, and to examination upon the various points; they would expose the parties to vexation to which they would not have subjected themselves in the first instance, had they known that the Government would take this course; and they would stop the perfection of great public works—a point which their Lordships had certainly lost sight of in debating this subject. They should recollect that the works they were proposing to stop, and which, under the circumstances of the country, it was perhaps wise to limit, were the great communications of the country. There ought to be some unobjectionable mode of carrying them out; and the Executive, or that

branch of the Government which so impeded private speculation, ought to be prepared to satisfy the public wants by executing these works itself. Under these circumstances, he hoped that the proposition of the noble Lord, with the additional Order, would be agreed to, considering what had been done by the other House of Parliament; but he thought with his noble Friend near him (Lord Monteagle), that the sooner they adopted a new mode of proceeding on this subject the better. He had thought so for the last three years; he had thought so particularly with regard to Ireland, where the ground being, until this year, comparatively unoccupied, the Government might have begun, and might have fairly tried, the operation of a new system. A kind of attempt had been made, two years ago, by the appointment of the Railway Committee of the Board of Trade. over which the noble Lord (Lord Dalhousie) had so ably and industriously presided. No man was more impressed than he (Lord Clanricarde) with the great ability and industry with which that noble Lord had applied himself to that business, and the great merit which he had exhibited on that Board. But, in point of fact, the advantage of that Board to the public was little or nothing; its decisions had been over and over again set aside; and Committees, uninformed, as his noble Friend said, on the whole subject, had taken a directly contrary view of the wants of a district of country, and of what were the best lines of railway, to that taken by the Board over which the noble Earl presided; because they had not the means of going into the inquiry which he had gone into with so much industry, and had not the means of forming the views which he always took so accurately.

The DUKE of RICHMOND said, he thought it due to his noble Friend at the head of the Board of Trade to bear his testimony to the excellent manner in which he had conducted the business of his department in the last Session of Parliament; and he was quite satisfied that, had it not been for a speech made early in that Session of Parliament, throwing his noble Friend entirely overboard, most of the recommendations of the Board of Trade would have been carried into effect. This was done by the Prime Minister, in the other House, who said that every line must be again discussed ; in short, he entirely abandoned all the recommendations of the noble Earl at the head of the Board of Trade. He knew for a positive fact that the promoters of many lines, who were intending to withdraw their schemes in consequence of the decision come to by the Board of Trade, did, after that speech of Sir Robert Peel's, determine to take their chance in the chapter of accidents, and many of them were actually passed ; notwithstanding that those recommended by the Board of Trade were the best for the public and the parties concerned. His reason for objecting to the clause now introduced, with respect to Bills about to be read a third time, was simply this. It had been stated by the noble Earl who proposed the Orders, that if any of those Bills were in the condition contemplated—if a large majority of the subscribers, thinking it was a bad concern, wanted to be let out of it, they might be let out in the House of Commons. But why not give them the opportunity of being let out in that House ? Suppose that the House of Commons allowed the Bills to pass : what would be the consequence ? Though the Act was obtained, the works could not be completed; directors would certainly be elected, and thus the provisional committee-men would get themselves into office. It was his belief that not half the schemes now on foot would have come before the Legislature, had there been an Act providing that no provisional committee-men should derive any benefit when the Acts for their schemes were obtained. As it was, these parties would meet, supposing the Acts to be obtained, and choose their directors, from whom they would exact the pledge—and at all elections pledges would be given much more than they had been—not to go on with the works. The powers given by the Acts continued for five years ; and thus would the districts in which these lines were proposed to be made, and the public generally, be deprived for that long period of any extension of the great means of communication. It was highly desirable that if these Bills were to be got rid of anywhere, it should be, not in the House of Commons, but in that House. He agreed generally with what had been said by his noble Friend (Lord Monteagle) as to the duty of the Executive to adopt a more decided course on this subject ; they ought, in fact, to have done this long ago. He would not now inquire into the motives why this had not been done—whether it had not been to cause a temporary prosperity in the country, from the adoption of these great works, and then to make

use of it to usher in some new measure.

Lord ASHBURTON was understood to say that the number of railway schemes was so inordinately great, that they had injuriously competed with each other, as evinced by the rise in the prices of labour and materials; and that for the Legislature to sanction the whole or any considerable part of the schemes now projected, would be to create the greatest confusion, and to prevent any of them being carried out. Allowing for the number that might fall to the ground, in consequence of the adoption of these Resolutions, the evil would not be materially checked; there would still remain a greater mass of these adventures than the means of the country could possibly carry out. And if these only were passed, great confusion would be created, not only among all concerned in promoting them, but amongst those engaged in all departments of trade. It was only lately that the House had been made aware of the extent of the dealings of the commercial part of the community in this respect, and of the impossibility of finding means to carry out the adventures that had been entered upon. Early in the Session, the Legislature proceeded upon the principle of letting every person alone, as being the best judge of his own particular interest, reserving only the right which Parliament had always exercised of deciding whether the scheme proposed was likely to prove a beneficial one. But nothing could be more unfair than to throw the consequences of this want of foresight in the speculators upon the Government; for the Government had acted with foresight all along. The reports of the Board of Trade, last Session, had distinctly given sentence upon the various projects that came before it, recommending some to pass, others to be rejected, and others to be delayed. In the present Session a Committee had sat for the purpose of making some such classification; he had attended that Committee, and urged it upon them, but they had turned a deaf ear to his recommendations, and had satisfied themselves with merely grouping the Bills. It would have been desirable to have considered, first, those projects which supplied railway communication to districts where none yet existed, as in the county of Cornwall; second, those lines connected with the defence of the country; and, lastly, those which would merely shorten the distance by existing lines, most of which might have been advantageously postponed. The Committee had certainly come to one important conclusion—that, under the peculiar circumstances of Ireland, it was desirable first to go on with the Bills for railways in that country; but with respect to all others, the principle had been adopted that these adventures could not be too far extended, and that the disproportion between the amount of adventures and the amount of means at the country's disposal should not be taken into consideration. At length, however, the public had begun to open their eyes to the consequences of this proceeding: and the interference of the Legislature was now earnestly sought. But after the number of schemes had been reduced by these Resolutions, they would still be vastly out of proportion to the means of the public. Talk of one hundred or two hundred millions! They might as well talk of two thousand millions: it was not to be got. The result would be, if any large proportion of these schemes were sanctioned by Parliament, that those engaged in them would begin to be distressed, particularly the smaller capitalists; they would affect others; and this would cause that sort of panic of which there had occurred half a dozen in his recollection; and nothing was more likely to produce such a panic, to show up what was the tremendous prosperity that had been so much talked of, which was so much vaunted, and which was so easily destroyed. As an instance of the way in which the interest of money had advanced, he might state that one of the most powerful companies, the Great Western, had advertised to borrow money at 5 per cent, for the purpose of forming an atmospheric line between Exeter and Plymouth—their usual rate of interest having been two and a half per cent for the last seven years. He wished to impress on his noble Friends, who were anxious to promote the interest of Ireland, that, so far from benefiting that country by pushing forward railway undertakings too rapidly, a directly opposite effect would be produced.

The Earl of WICKLOW agreed in the propriety of not making any distinction between one class of Railway Bills and another; but would not altogether agree with the objections of the noble Lord (Lord Monteagle) until he knew what was actually intended by this Resolution. It was stated that the House of Commons had adopted a similar Resolution, and that it was immaterial whether they admitted

those Irish Bills which had already arrived at their last stage to be read a third time, because they would be met by a similar Resolution in the other House. But though these Resolutions were adopted by both Houses, he did not understand it to be the intention to require meetings to answer both; otherwise, two meetings of the subscribers in each case would be required, which would be to incur a useless expense. To attain the object of the Resolutions, one such meeting would be quite sufficient. His noble Friend (Lord Monteagle) had expressed a hope that, although the result of a meeting of scripholders might be to approve of a Bill, the House would not therefore pass the Bill as a matter of course. But the expression of such a hope was nugatory; for, under the Resolutions, the meeting did not take place till previous to the third reading; and it was the invariable practice of the House, when a private Bill had passed through all the previous stages, to read it a third time as a matter of course. He thought the Resolution might have been so framed, that the meeting of the shareholders might take place before the Bill went into Committee, and not before the third reading. There was nothing to prevent the Select Committee from sitting previous to the meeting being held. This ought to be clearly defined, particularly as the question of expense of opposing Bills was involved. If the Committee was selected and sat, and the expense attendant on it was incurred before the meeting was held, and their decision was against the passing of the Bill, then a useless expense would have been incurred, and the Members of their Lordships' House would have been put to a useless trouble. There were two points to which he hoped to receive a reply from his noble Friend; first, if it was to be understood that the meeting of shareholders might be held before the Bill was brought before the Select Committee; and secondly, if it was necessary that two meetings should be held in order to comply with the Sessional Orders of both Houses of Parliament.

Lord REDESDALE differed with his noble Friend who had just sat down, with regard to the time when the meeting of shareholders was to be held, so far as the proceedings of Parliament were concerned. It was in the power of any one connected with a railway company to direct the provisional committee to call a meeting to decide whether a Bill should be proceeded with, which might be held before it went into Committee; but what their Lordships had to consider was, that after the Bill had gone through the Committee, and had undergone extensive alterations, the subscribers might decide on its not being carried on. Many circumstances before the Committee might cause a difference in their opinion on that point, as, for instance, the question of fares. The fault, in his (Lord Redesdale's) opinion, of the Resolution was, that it did not compel them to decide after the Bill had gone through Committee, and when it was not in the same state as that in which it was introduced by the parties. He, however, considered that the subject was involved in all sorts of difficulties; and he was very doubtful if the proposed remedies would adequately meet the evil. He was strongly of opinion that if they had, in the first instance, given support to the admirable Reports of the Board of Trade, they would have found themselves in a very different and certainly a better position. Every one now acknowledged the excellence of those Reports, and every one regretted they had not more fully been supported; but it had been thought proper to ridicule and to oppose them, and they had consequently fallen to the ground. He did not wonder, seeing that that had been the case, that the noble Earl (the Earl of Dalhousie) had said, "he would have nothing more to do with the matter." And he was quite right; for his labour had been completely thrown away. He (Lord Redesdale), however, thought that there were still available the means by which they might prevent effectually the recurrence of so pernicious a system as that the results of which were now under consideration. As a check upon railways he would not allow them to borrow at all; he did not see why the whole capital of a railway should not be subscribed in shares—why it should not be insisted upon that the whole amount required should be absolutely produced, instead of two-thirds of it.

The Earl of RADNOR took a different view of the Sessional Resolutions from that taken by the noble Lords who had addressed the House on the subject. It was said that they were proposed as a method for purging the list of railroads proposed to be made of those of an improper and objectionable character; but he apprehended that the Sessional Orders were introduced for no purpose of the kind. His opinion was, that they were brought forward to relieve persons who had got themselves into

a scrape from the difficulties in which they were involved. Now, he (Lord Radnor) objected on principle to Parliament doing anything of the kind; for, by so doing, Parliament would be stultifying itself altogether. Parliament had laid down rules to regulate the introduction of those measures, and directed that certain steps were to be taken by those persons who wished to construct railways and enter into those schemes. Those rules had been well considered by Parliament; and the persons who were to be affected by those Sessional Orders had observed all those rules: if not, their Bills would have been thrown out as a matter of course. Some persons had very foolishly, and through a rage for gambling, improvidently entered into those bargains; and now the House proposed to go out of its way to relieve those persons from the consequences of their improvidence. By so doing, he repeated, the House was stultifying itself, and also holding out inducements for future gambling of the same description. Nothing could give greater confidence to persons in trade than to know with certainty the rules by which they were to be guided, and the propositions before Parliament were to be regulated; and therefore, though he might be sorry for those people, he felt that the character of Parliament, and the principles by which they should act, were of more consequence than the difficulties of those people. If they were to be at all relieved, he thought they would, by these Resolutions be proceeding exactly the wrong way. The statement was, that there were a great many of those people who wished to get out of those difficulties; why, if so, let them apply to Parliament to get out of them—let them actively move, by petition or otherwise, to get out of those difficulties. But then it had been said, that there were persons engaged in those transactions to whom it would be disagreeable to have it known that they were engaged in them, and therefore they would not actively exert themselves; and now Parliament was telling them that if they did nothing they might be relieved from their difficulties. But what probably might be the consequence? The engineer and the lawyer would be very active; and if the persons wished not to be known remained passive, and sat still, they would let the others have their own way. He apprehended that the proposed measure would enable parties to dissolve their companies, and to cease the speculations in which they were engaged; and if that was so, why, he asked, were they to go out of their way to pass those Resolutions in order to tell the country, "if you embark in wild speculation, Parliament will depart from the usual mode of proceeding to give you relief?" He (Lord Radnor), on the grounds he had stated, objected altogether to those Resolutions.

Earl FITZWILLIAM said, that if the object of the Resolution was to relieve persons from the difficulties in which they had involved themselves by railway speculations, why then, undoubtedly, he would agree with the noble Lord who had last addressed the House; but he apprehended that the real object of the Resolutions was to diminish the number of railway schemes which would come before the Houses of Parliament during the present Session. That, he apprehended, was the real and ultimate object of the Resolutions; and, now, let them see what a satire it was on their whole proceedings, to come forward with a proposition for a measure which was to be applied at the very last stage of the Bill. This was a satire on the conduct of Parliament, and, he would say, on the conduct of the Executive Government. All the parties who were concerned in the administration of this great Empire, were, he conceived, very much to blame for the way in which they had acted with reference to those great schemes of national communication. Let them take twenty of those schemes, and suppose that eleven of them were rejected: they had no security from the proceedings which they caused to be instituted by those Resolutions, that the eleven that were to be withdrawn were bad schemes; neither had they any security that the lines which were to be permitted to go on were good schemes. They might be the contrary. He (Earl Fitzwilliam) should move, on the next day, for an account of all the estimates that were deposited for different railway schemes that were brought before Parliament. It was desirable they should know the amount of capital the expenditure of which they might by possibility be called upon to sanction during the present Session. He wished that the Government would see the difficulties into which they had got by the mode in which they proceeded. He should view with great pleasure the instituting of some authority on railway matters analogous in construction and principle to the Board of Trade. The whole railway system was of great national importance; and it was incumbent on the Government, or Parlia-

ment, to form some authoritative board under which the system ought to be placed. That board should have a staff of surveyors and engineers, above all suspicion, under its control; the country ought to be surveyed by the Government, and upon that survey the lines ought to be laid down. By proceeding in that way an immense mass of expense would be saved, and a great deal of ill feeling and squabbling would be avoided. He should move, on the following day, for an account of the estimates of all the different lines of railways that were deposited in the course of the present Session.

The EARL of DALHOUSIE had great satisfaction in observing, that the object of the Resolutions, and the main outline of the plan which he proposed for effecting that object, had met with the approbation of their Lordships, with one exception; for, with that exception, they had all expressed their concurrence in the objects of the Resolutions, though they had arrived at that conclusion on different grounds. Many noble Lords who had addressed the House had remarked upon the system which it appeared to them desirable to adopt in reference to railways in general; and they had commented, with more or less severity, on the proceedings of Her Majesty's Government in relation to that system. He hoped their Lordships would not think he meant them any disrespect if he abstained from going, at present, in detail into a question which would be a subject for consideration at another and a proper time; and when that proper time arrived, he should be ready to defend the course the Government had taken. He should, therefore, restrict the remarks with which he had to trouble their Lordships to the Resolutions that were immediately the subject of consideration before the House, and should reply to the questions that had been put to him, as to the intention and effect of the various clauses of those Resolutions. An objection had been made, that parties, having obtained scrip for the purpose of having votes, would thus become possessed of an unjust and unfair advantage, which would injuriously affect other parties. He felt bound to say, that trafficking might take place in these affairs for a double purpose; first, for a matter of mere speculation, on the chance of a residue remaining that might be divided among the parties who possessed the scrip; and, in the next place, where scrip would be purchased with the intention and in the hope of influencing the fate of those lines. That such attempts would be made he had no doubt; and that there might be cases in which they would be successfully made he was not prepared to deny; but that it would be practised to such an extent as to constitute a great objection to the measure, or influence the fate of great and important concerns, he entirely denied. He had taken every means in his power to acquire information on the matter. He had sought information from persons instructed on the subject, and they stated their conviction that the practice could not be exercised to such an extent in the manner suggested, namely, by the outlay of small sums of money, as to influence the fate of important concerns; and he also understood that it had not been practised up to the present time. But the gravest objection made was with reference to the period at which the Resolution was intimated; and it was said that advantage would be taken in the mean time of the intentions of the Government; and a noble Lord (Lord Monteagle) supposed the case of the directors of a company who, having a numbers of shares in their own hands, might now use them for the purpose of influencing the fate of that company. So far as that was concerned, that could not be had recourse to. The Resolution provided, that no scrip certificate not issued, or the deposits in respect thereof paid before the 31st of March, shall entitle a person to vote. The proof of the deposit being made was the banker's receipt, and therefore the scrip certificate could not be issued unfairly, because the banker's receipt proved the payment of the deposit. So far, therefore, as the shares were retained in the hands of the directors, he apprehended that his noble Friend would find that the trick to which he referred could not be tried; but so far as related to the scrip that had been purchased in the market, he admitted there might be ground of complaint. But his answer was that all endeavour to counteract it was impossible, inasmuch as the scrip certificate bore no date—it passed from hand to hand like a bank note—there was no memorandum to trace it. Another objection had been made to the Resolution, because it was said that the object of it was to shelter the persons who were engaged in these speculations, and to protect them from the consequences of their own imprudence and folly. It was said, also, that the object was to get rid of those railways. Now,

he would say it was desirable that those parties who wished to bring their affairs to a conclusion should have the means of doing so; and the intention of the Bill was to enable parties to affect that object. It was to prevent provisional directors from forcing on a Bill when it was represented by the shareholders to be contrary to their interests to have it proceeded with, that the Resolutions were proposed. There were many reasons which rendered a negative expression of opinion unavailing, and which induced Her Majesty's Government to require that there should be an affirmative expression of opinion before the Bill was permitted to pass. He (Earl of Dalhousie) could not feel the force of the objection which had been made with reference to the Irish Bills. It was said, deal out justice to all alike, and do not except those particular schemes from the operation of the proposed measure. Now, if the other House of Parliament had not already adopted Resolutions the counterparts of those which he held in his hand, he would be the last person to assent to the proposition that those Bills should now be read there a third time. When the Bill was read there a third time it went down to the other House, and if that House did not give its assent to the third reading, the company could not get its corporate powers until it was exposed to the test which they meant to apply to all the others. It was said, that it would be offensive to the dignity of that House to agree to the Resolution; but in reply to that assertion he begged to say that it was not necessary they should stand upon their dignity. The other House had not displayed any such tenderness for its dignity. That House had passed that Resolution; they allowed Bills that stood for their third reading to be passed; they did that before the Resolutions were proposed in that House; they ought, therefore, without any sacrifice of their dignity in that House, to allow Bills that stood for their third reading to pass. When the Bill went to the other House the test would be applied there, and the application of the test in the other House would fully answer every purpose of justice. It was thought that the Bills would be subjected to a double test; but there was not one word to show that Bills would be twice subjected to this test; or that any such double test would be proposed to be applied. With respect to the stage of the Bill at which the parties were to interfere, he admitted that it was felt to be undesirable that the Members of both Houses of Parliament should be asked to sit on Committees on a measure that might not afterward be proceeded with, and their labour consequently thrown away. On the other hand it was said, if you declare there shall be no further progress to a measure until you apply this test, it is to say you shall not go further, and therefore it was thought better to let the Members of both Houses run the risk of some inconvenience rather than propose to stop the progress of a Bill at an earlier stage.

LORD MONTEAGLE inquired if the privileges that were extended to Bills that had been partly gone through at the close of last Session, would be also extended to similiar Bills in the present Session?

The EARL of DALHOUSIE replied, it was not the intention of the Government that what had been done with reference to the Bills referred to by the noble Lord last Session, should be drawn into precedent. In conclusion, he (the Earl of Dalhousie) expressed a hope that the House would not object to the passing of the Resolutions.

Resolutions agreed to. Several Amendments moved and agreed to. Resolutions as amended ordered to be printed.

Hsuse adjourned.

HOUSE OF COMMONS,

Monday, April 27, 1846.

MINUTES.] PUBLIC BILLS. — 1°. Ejected Tenants (Ireland).

Reported. Polling Places (Ireland).

PETITIONS PRESENTED. By several hon. Members, from various places, for Better Observance of the Lord's Day.—By Mr. Forman, from Inhabitants of Bridgewater and its Neighbourhood, for Repeal of the Maynooth College Act.—By several hon. Members, from various places, against the Union of St. Asaph and Bangor Dioceses, but in favour of the Appointment of a Bishop to the See of Manchester.—By Sir Robert Peel, from Handloom Weavers of Manchester, for a Speedy Adjustment of the Commercial Policy.—By Mr. Hume, from Provost, Magistrates, and Town Council of the Royal Burgh of Montrose, in favour of the Customs Duties and Corn Importation Bills.—By several hon. Members, from various places, for Rating Owners in lieu of Occupiers of Tenements.—By Mr. Forman, from Inhabitants of Bridgewater and its Neighbourhood, against the Bequests for Pious and Charitable Purposes Bill.—By Mr. Duncan, from Convener, Deacons, and Remanent Members of the Nine Incorporated Trades of Dundee, in favour of the Burghs (Scotland) Bill.—By Mr. East, from Mayor, Aldermen, and Burgesses of the City and Borough of Winchester, and by Mr. Ward, from the Corporation of Sheffield, respecting the Employment and Reformation of Discharged Prisoners.—By Mr. Cobden, and Mr. Ward, from Retail Beersellers of Stockport and Sheffield, for Alteration of Law respecting Exciseable Liquors.—By Mr. Hume, from Ropemakers on Clyde, who use Steam and Water Power in their Works, for Exempting the Ropemaking Trade from the Operation of the Factories Act.—By Sir Andrew Leith Hay, from Proprietors of Mills in Aberdeen, against

the Factories Bill.—By Mr. John Henry Vivian, from Her Majesty's Justices of the Peace for the County of Glamorgan, assembled at the Easter Quarter Sessions of the Peace, for Alteration of the Highways Bill.—By Mr. Fitzgerald, from Noblemen, Gentlemen, Clergymen, Owners and Occupiers of Land, and other Parties, Inhabitants of the Town of Nenagh, for Encouraging Enterprise in Ireland.—By Mr. Fuller, from Guardians of the Poor of Eastbourne Union, for Repeal or Alteration of Lunatics Act, and Lunatic Asylums and Pauper Lunatics Act.—By several hon. Members, from a number of Persons connected with the Administration of the Poor Law, for a Superannuation Fund for Poor Law Officers.—By Sir William Somerville, from Ratepayers of the Electoral Divisions of Saint Peter's East and West Wards, the Division of Saint Mary's, and other Inhabitants of the Drogheda Poor Law Union, for Alteration of Poor Relief (Ireland) Act.—By Sir John Hanmer, and Mr. Manners Sutton, from Churchwardens and Ratepayers of Parishes of Drypool, Saint Peter, and St. Giles, Cambridge, against the Poor Removal Bill.—By Mr. Thomas Duncombe, from Inhabitants of Newport and Norwich, against the Protection of Life (Ireland) Bill.—By Mr. Thomas Duncombe, from Inhabitants af Failsworth, in the Parish of Manchester, praying that every Railroad Bill shall contain a Clause to compel the Company to have Covered Carriages at an Uniform Rate of a Farthing a Mile.

MR. SMITH O'BRIEN—REFUSAL TO SERVE ON COMMITTEE.

MR. ESTCOURT reported, from the Committee on Railway Bills, Group 11—

"That the Committee met at One o'clock this day, pursuant to appointment, and that William Smith O'Brien, esquire, one of the Members of the said Committee was not present, and did not attend the Committee within one hour of the time of meeting of the Committee."

He now moved that Mr. W. S. O'Brien be directed to attend the Committee to-morrow.

"*Ordered, nem. con.*—That William Smith O'Brien, esquire, do attend the said Committee To-morrow."

MR. W. S. O'BRIEN was ready to attend to his duty in everything in which the interests of his constituents were concerned. The question put was that he do attend "the Committee." This being so, he begged most respectfully to say—and for the reasons which he had formerly given—that he would not attend the Committee.

THE MARQUESS OF WATERFORD—ALLEGED EVICTIONS.

On the Motion that the Order of the Day for resuming the Adjourned Debate on the Protection of Life (Ireland) Bill be read,

MAJOR BERESFORD regretted his accidental absence the other evening, when a statement was made by the hon. Member for Kilkenny (Mr. J. O'Connell), respecting certain evictions that were stated to have taken place on the estate of the Marquess of Waterford. Before entering into any details he would state his solemn belief that no landlord in the kingdom could face an inquiry with regard to the management of his property more confidently than that noble Lord. He protested, however, against the conduct of every individual who was a landed proprietor in Ireland being made matter of Parliamentary inquiry, on no better authority than a newspaper report, inasmuch that the individual himself was either compelled to come forward personally, if he had a seat in that House, or if he had not, constant watchfulness was imposed upon his relatives to protect his name and character. He had no complaint to make against the hon. Member for Kilkenny for bringing forward the statement in question, because it was circulated in the leading journal, in the great organ of the press. But he was astonished that the hon. Member should so readily credit a report in that paper to the prejudice of another person, when he remembered that the hon. Member had some time ago complained of certain reports emanating from the same source with regard to the hon. Member's father, and had not only declared them to be false, in a speech, but had denied them in a public letter. He wished the hon. Member had exercised the same degree of caution when other people's character was concerned. The statement in question was made the subject of a leading article in the paper to which he alluded, *The Times;* and he begged to call the attention of the House to the following graphic description from that journal of the occurrence alleged to have taken place:—

"Within these few days, on the Marquess of Waterford's estates, a whole village containing fifty families and 277 persons, has been rased to the ground. The lease expired, and forthwith the mandate of destruction and depopulation was issued. Neither age nor sex was spared. Bedridden and helpless, infants, widows, orphans—all were driven away, most of them from the soil of their birth. A miserable pittance of compensation was given them, a few shillings to help them to America; and there end the indigenous rights and resources of the multitude. There ends its connexion with the landlord, its claim on his property, its appeal to his bosom, Yet all is legal: *summum jus*, not a flaw in the landlord's case, except what the desperation of the multitude may have imagined or invented. The lease has expired, and with it every hold the poor creatures possessed on the soil. Ireland is all landlord and tenant. The tenant being ousted, the landlord occupies his room. Nothing remains of the one—the other is all in all. As far as regards the Marquess of Waterford and the soil of Graigshoneen, the 277 have utterly ceased to be. They have no more relation to their former landlord and locality than a tribe of Esquimaux. It is with the main fact of such an extermination that we are concerned. We might be prepared to grant every-

thing, and even more than everything, that can be alleged to vindicate and excuse the deed. We might grant, what appears to be the case, that the population had put itself into a hostile position to the landlord, by joining the "Repeal" folly Unhappily there exist reasons far more likely to deprive these people of their landlord's sympathy. The Marquess of Waterford, though an Irishman, was really well inclined to be a useful man, and worked very hard to improve the condition of the people about him. In return for this his hounds were poisoned, his stables burnt, and his own life threatened. All his comfort and security is destroyed, and he finds himself an alien in the land of his fathers. Such is the fearful balance of injuries—such, to take the very worst supposition, the list of retaliations—such the calamity which assassination and annoyance have possibly brought on the outcasts of Graigshoneen. With all this, however, we are not concerned. Retaliation is the characteristic of savage life. It is not the guide of a civilized age, or for the Legislature ef a Christian country to compute the score of wrong and set off the score of revenge. This one act of depopulation is matter enough for national inquiry. These 277 are not refused to be cast aside in any corner; they are not water to be drained in the ocean; they are British subjects. The nation has a right to inquire what has become of them—whether they live or die—whether they linger on the bare roadside, or crowd the neighbouring hovels, or pine and sicken in the famine-struck town, or flock to the neighbouring port. Such things are not allowed in England. Why should Ireland have another law?"

Now, having read this article, he should take the liberty of stating the truth of the case. About thirty or forty years ago some leases had been made by the late Lord Waterford of some small holdings, consisting of from one to two acres each, at Graigshoneen. The tenants of these had underlet these small holdings to several smaller occupiers, and permitted some miserable cabins to be erected upon them. These cabins were not occupied by people who were in "the soil of their birth," for they were strangers from Cork and Kerry, who settled down in these wretched hovels. When the lease expired in the course of last summer, no ejectment was brought, no compulsion was used, and no attempt was made to remove any of the original tenants. The agent of the Marquess of Waterford went down and offered a few of the under occupants a sum of money, a few pounds, if they would pull down their cabins. They cheerfully accepted the offer. The agent went away, and when he returned, although he had offered only a small sum, he was besieged, he might say, by others of the under occupants, offering to pull down the remaining cabins on receiving the sum paid to the first. Lord Waterford's agent consented to pay them the money, and thereupon they pulled down the cabins, and left the land to the original tenants, minus only the cottages that had been erected on it. Not one person had been dispossessed, save by his own voluntary act, and the original tenants were all continued upon their small holdings. He had a letter from the agent, and, from his own knowledge of the case, he could vouch for the truth of the statement he had made. [The hon. and gallant Member read a letter from the agent of the Marquess of Waterford, who stated that there was no angry feeling on the part of the under tenants who had accepted the allowance; that the noble Marquess employed ninety men in draining in one place, and gave employment to 300 in another; and that every improvement was promoted by him.] Such was the real state of the case, and how different was it to the statement this journal had made out! It was a strange desperation on the part of the excited tenants that impelled others to request to be put in the same position. It was not to be supposed the people considered that any injury had been done to them, when they themselves asked that their cabins should be pulled down. The kindness of the Marquess of Waterford to his tenantry and dependants was constant and unvaried; he lived among them for nine months in the year out of the twelve; he spent a large income among them; he endeavoured to do good to all around him, and set an example to all landlords in Ireland, He was assisted by a lady, whose charities were unostentatious, but most liberal and well administered. Such was the nobleman who was said to be "an alien in the land of his fathers." The Marquess of Waterford was not afraid to go out at all hours—he required no Coercion Bill to protect his life or property. He only wished for protection from anonymous assailants, who either knew nothing of his character, or entirely misunderstood it.

Viscount INGESTRE was enabled, from his connexion with the noble Marquess, to corroborate every particular mentioned by his hon. Friend. Being often a resident with his noble relative in Ireland, he was rejoiced to witness the manner in which he managed his estates. A day or two ago he received a letter from the Marquess's agent, which he would read:—

"I think it probable that some notice may be taken in Parliament of some miserable hovels that have lately been taken down by the occupiers themselves, in Graigshoneen, which is part of Kilmacthomas, and I have deemed it prudent to give you a statement of the facts, that you may be enabled, should circumstances require it, to

state them. Lord Waterford desired me to send it to you. He is doing all in his power to give employment in every direction. He has near 300 men employed every day, and would employ more if he could get them. We are at this moment making arrangement with the Board of Works for enclosing the slob lands at Dungarvon, solely for the purpose of giving employment. Lord Waterford's chief object is to give employment and improve his estate."

He was delighted at the opportunity afforded him of bearing public testimony to the manner in which his noble Friend gave employment to the poor and improved his estates.

MR. J. O'CONNELL begged to thank the hon. Member for Harwich for his courtesy in giving him an intimation of his intention to bring this subject forward to-night; and he appreciated the conduct of that hon. and gallant Member the more highly, because it might naturally be supposed that the gallant Member would be considerably excited at a charge of such a nature having been made against his noble relative. The hon. and gallant Member for Harwich had expressed surprise that he should be so ready to adopt this charge against the Marquess of Waterford, after he had so promptly contradicted a charge of a somewhat similar nature which had been trumped up last November against the hon. Member for Cork. The hon. and gallant Member was mistaken on this point. It was not he who repelled the charge made against the hon. Member for Cork. With regard to the present charge against the Marquess of Waterford, the hon. and gallant Member for Harwich must do him the justice to admit that it had been for some time before the public; that it had been repeated in two or three newspapers; and that no contradiction had been put forth. To other charges recently made, as to the eviction of tenantry, a contradiction had appeared within a reasonable time. He did not express any opinion as to the value of the contradiction given in those cases; but he must be allowed to say that he did not bring forward the charges against the Marquess of Waterford until an ample opportunity of contradicting them had been afforded to the friends of that noble Lord. He was happy to hear the explanation of the hon. and gallant Member for Harwich, and was bound to bear his testimony to the general merits of the Marquess of Waterford; and he must state that on hundreds of occasions he had heard persons most strongly opposed in politics to that noble Marquess express their wish that the landlords of Ireland generally imitated his example. After the explanation which had been given by the hon. Member for Harwich there was only one course open to him, which, had it been more unpleasing, he should have felt bound to pursue, namely, to retract the charge he had made against the Marquess of Waterford, and to express regret that he had brought it before the House.

MR. O'CONNELL: I wish to add one word on this subject. I am anxious to bear my willing testimony to the merits of the Marquess of Waterford as a resident landlord. It would not be in my power to use language sufficiently strong to express my sense of the merits of that most estimable lady (the Marchioness of Waterford), who has been alluded to by the hon. and gallant Member opposite. Her charities are most considerate, well managed, and abundant; and the Marquess of Waterford is certainly one of the best landlords in Ireland. The noble Marquess is as safe in his own country—in every part of it—as he could possibly be in this House; and his tenantry are very happy in having such a landlord. The only point on which I differ from the hon. and gallant Member opposite (Major Beresford) is, as to his complaint that these charges have obtained publicity in the newspapers. Let him recollect that the poor have, in many cases, no other defender than the press. The plan I adopted when charges were made against me in the press was to meet them at once through the same medium; and the result was that, though I may have been calumniated on many of those charges, the entire press of Ireland took part with me against my assailants. I think we should not discourage the press from taking up the cause of the poor; but, when a charge is brought falsely, as has been the case here, we ought to adopt the channel through which it is made as a means of rebutting it.

MR. POULETT SCROPE: I hope, Sir, that the House will draw the true moral from these charges against landlords and defences of landlords with respect to their use or abuse of their territorial rights in Ireland. Why, Sir, ought we to have any of these questions brought before us? How is it that we are called on from time to time to hold these sort of inquisitions into the exercise of the rights of property? For this reason only, Sir, that the public know, when a crowd of "wretches" in Ireland have their houses pulled down

over their heads, they have no resource but the road or the ditches by its side—that such an ejectment is tantamonnt to a sentence of death upon them, of death by slow torture. This is why the public feel an interest in these questions as to clearances, and why they are brought before us. If a resource were open by law to wretches driven in this way from their homes, as is the case in England, no one would think of interfering with the conduct of landlords to their tenantry. But in Ireland it is otherwise; and, therefore, when the public hear of fifty or sixty families having their houses at once pulled down over their heads, the public is interested in asking the question, "What has become of the houseless wretches? Have they found, or can they find any other shelter?" And we all know the answer. They crowd into the suburbs of the nearest town, and before long sicken and die of want and fever, as Dr. Doyle describes so graphically of similar "wretches." I have no wish to canvass the Marquess of Waterford's humanity, with which we ought to have nothing to do; but as it has been brought before the House, I will own I am not quite satisfied of the humanity of his proceedings, even as stated by his friends. It is said the expelled cottiers pulled down their own houses and went willingly away. Oh, Sir, they knew very well, no doubt, that if they had not done so, the next day an ejectment would have turned them out, and without that poor compensation of a pound or two which it seems they got for removing themselves. Unless, therefore, I am told that the Marquess of Waterford took ample precautions for securing to the cottiers he ejected some other shelter, some other means of existence, than the little holdings they occupied on his estate, I cannot think that he fulfilled that duty to those who were, after all, his tenantry, since he found them occupying lands and houses on his estate—that duty of which we have heard as imposed by common humanity, if not by law, on a landlord. Be this as it may, Sir, I do trust, as I said at first, that Parliament will draw the right moral from these tales, and by giving some other resource to the poor of Ireland than casual dependence on a landowner's mercy, will render it unnecessary for us to sit in judgment on the more or less of humanity exercised by them towards their tenants.

THE BRIDPORT ELECTION.

Mr. CHRISTIE wished to put a question to the hon. Member (Mr. C. Wood) who had been Chairman of the Committee appointed to try the petition against the return of Mr. Cochrane for the borough of Bridport. That petition charged grave and extensive treating, bribery, and corruption against Mr. Cochrane, and no less than ninety-six individuals who had voted for that Gentleman were objected to on the ground of bribery. When the Committee met, after some skirmishing among counsel, which was well adapted to prevent any suspicion of a compromise, it was agreed to postpone the cases of bribery, and proceed with the scrutiny. The inquiry began and ended with the transfer of one vote, and the matter was arranged, apparently, with much unanimity. An Act was passed in 1842, at the instance of the noble Member for the city of London (Lord J. Russell), in order to provide against compromises or arrangements to prevent cases of bribery from being brought under the cognizance of Election Committees. Now, the general impression, from the proceedings before the Bridport Election Committee, was, that a compromise had been entered into to prevent the Committee from investigating the charges of bribery. The first clause of the Act to which he had referred, provided that if charges of bribery and corruption alleged in petitions were not prosecuted before Election Committees, such Committees should be empowered to inquire whether the neglect to prove such allegations arose from any compromise, arrangement, or understanding, to avoid the discovery of bribery; and the Act authorized Committees in such cases to examine the sitting Member or Members, or candidates, or any parties they might choose to call before them. He wished to ask whether it was the intention of the Committee appointed to try the Bridport Election Petition, to institute any inquiry as to the circumstances under which the charges of bribery alleged in the petition had been abandoned; or to consider the propriety of recommending the House to make some further inquiry on the subject? He (Mr. Christie) might be permitted to state, that Bridport was one of those places which gave rise to the controversies that led to the adoption of the Bill introduced by the noble Lord.

Mr. C. WOOD acknowledged the courtesy of the hon. Member for Weymouth in giving him notice of his intention to put this question. He had not had an opportunity of communicating with the

hon. Gentlemen who were his Colleagues on the Bridport Election Committee; but he was sure they would not object to his giving a full explanation in reply to the question of the hon. Member for Weymouth. It was true that, by a recent Act, Election Committees were empowered to inquire into cases of compromise; but he had always considered it the first and most important duty of such Committees to do impartial justice between the petitioner and the person against whom the petition was presented; and the Bridport Committee had acted on that view. The counsel for the petitioner against the return of Mr. Cochrane stated that he had a case of bribery, and he had also to demand a scrutiny; and he elected to proceed, in the first instance, with the scrutiny. It was proved before the Committee that Mr. Cochrane had been returned by a majority of one, and that this majority was attributable to the fact that a voter who polled for Mr. Romilly had been entered as voting for Mr. Cochrane. It was therefore clear, under these circumstances, that Mr. Romilly was entitled to be returned. Mr. Cochrane's counsel admitted this; and upon the single case he (Mr. Wood) had mentioned, the Committee determined that Mr. Cochrane was not duly elected, and declared Mr. Romilly to be duly elected. Mr. Cochrane's counsel stated that the scrutiny, if entered into, would occupy a considerable time, as 96 persons who had voted for that gentleman were objected to on behalf of Mr. Romilly. The hon. Member for Weymouth was, however, in error in supposing that the whole of those 96 were objected to on the ground of bribery. The objections taken to those voters were various. Some were objected to on the ground of bribery, and others on the ground that they were not legally qualified or duly registered. He must say, that when the Committee was appointed, he fully expected it would sit not merely for days, but for some weeks. It was considered by the counsel for the respective parties, that, under the circumstances he had mentioned, it was not worth while to proceed with the scrutiny; and the Committee, therefore, felt the only conclusion they could come to was, that Mr. Cochrane had not been duly elected, and that Mr. Romilly should be duly returned as the representative of Bridport. He now came to the question, whether the Committee ought to have prosecuted any further inquiry as to the circumstances under which the charges of bribery were withdrawn. He (Mr. C. Wood) considered that the Committee ought not to be influenced by anything which had come to their knowledge unconnected with the discharge of their duties. He did not attach the slightest value to the allegation in the petition that bribery had taken place. He had never yet had the good fortune to sit upon any Election Committee before whom bribery was not alleged. The petition against Mr. Cochrane alleged that extensive treating had taken place at the late Bridport election; but the first thing the counsel for the petitioner did, was to state that there was not the slightest pretence for saying that there had been any treating whatever, and that learned counsel did not allege that any systematic bribery had been committed. Now, as there was no evidence whatever before the Committee to show that any bribery or treating had taken place, and as no such assertion was made in the opening speech of counsel, he did not think the Committee were called upon to institute any further inquiry, or to recommend the House to pursue such a course. If any parties at Bridport had reason to suppose that extensive bribery had taken place in that borough, it was open to them to present a petition to the House praying for further investigation. He certainly did not think anything had transpired before the Committee which would justify them in recommending any further inquiry.

Mr. G. BANKES did not rise to complain of the Committee for exercising the discretion vested in them by Act of Parliament, and declining to prosecute any inquiry into the allegations of bribery. He was disposed to hope, for the honour of the county he represented, that Bridport was as immaculate as any borough in the kingdom. He wished, however, to ask the Members of the Committee whether they had not decided a point which was not contained in the record? He had read over the petition, and he did not find any allegations relative to a scrutiny—any assertion that a vote tendered for one candidate had been entered as for the other. This was, he understood, the point upon which the Committee had unseated Mr. Cochrane. He, therefore, felt disposed to move that the proceedings of the Committee be printed before Mr. Romilly be allowed to replace Mr. Cochrane as the representative of Bridport; for he presumed it was not competent for the Committee to take into consideration any mat-

ter not contained in the record or petition. This, at least, was the rule by which the courts of law were governed. He would therefore move, as an Amendment on the Order of the Day, that the proceedings of the Bridport Election Committee be printed. [The Speaker: The hon. Member must give notice of the Motion.] He would, then, give notice that he would to-morrow move that the proceedings of the Committee be printed, with the understanding that the hon. Member who had been declared duly elected by the Committee should not take his seat.

Sir G. GREY would suggest to his hon. Friend near him (Mr. C. Wood), and the other hon. Gentleman who had been Members of the Bridport Election Committee, the propriety of abstaining from entering into a discussion on this subject. The points which had been mentioned were strictly legal points, which might have been raised before the Committee; and which, for anything the House knew to the contrary, had been raised there, and decided by the Committee; and, if such questions were to be mooted in the House, they would be involved in almost interminable discussions. He hoped the hon. Gentleman opposite (Mr. G. Bankes) would see, on reflection, that this was a question which ought not to be raised in the House. He (Sir G. Grey) saw no objection to the proposal of the hon. Member, that the proceedings of the Committee should be printed; and he could not conceive that such a suggestion would meet with any opposition; but he hoped the hon. Gentleman would content himself with smbmitting that Motion to the House.

The subject, after a brief conversation, was dropped.

OUTRAGE AT SHEFFIELD.

Mr. C. POWELL said, a few nights ago he had taken the liberty of calling the attention of the right hon. the Home Secretary to a statement in a newspaper which excited in his mind feelings very different from those which appeared to be exhibited by the right hon. Baronet, and very different from what he manifested at accounts in Irish newspapers of Irish outrages. It appeared from a Sheffield paper that very great devastation had been caused in that town by an infernal machine. The account given of the matter was as follows:—

"Infernal Machine.—Another cowardly attempt to intimidate and alarm respectable manufacturers of this town has taken place, and we regret to state that it is the second occurrence of the kind within the space of only a fortnight. The machine for effecting an explosion on the premises of Messrs. S. and W. Marshall, edge-tool and scythe manufacturers, of Allen-street, consisted of an iron tube about three feet in length, and three and a half inches in diameter. The iron tube in such cases is filled with powder, and the spot where its destructive powers are to be brought into operation being selected, the person who deposits it lights the fusee, and the ignition of the gunpowder is effected. In the mean time, the dastardly contrivers of this mode of vengeance make off. Immediately after the explosion at Messrs. Marshall's, two men were seen as if making their way from the direction of the premises. In the present case the damage done is trifling. This is nothing in comparison with the unhappiness of living under a system of terror, which those who contrive the destructive missiles seek to uphold."

It appeared from that account that detection was not more easy in Sheffield than in Ireland. He understood that these acts of disorder were not new in Sheffield, but had prevailed more or less since 1837. When he first called the attention of the right hon. the Home Secretary to such an outrage in Sheffield, the right hon. Baronet appeared to receive the statement with an incredulous smile; but he had reason to believe that since then the right hon. Baronet considered the matter to be more serious. It had been inquired into by the local magistrates, who deemed it indispen- that some remedy should be applied; and, under these circumstances, he wished to know from the right hon. Baronet whether he intended to introduce a clause into the Irish Coercion Bill providing for the protection of life and the prevention of assassination in Sheffield?

Sir JAMES GRAHAM observed, that the hon. Gentleman had, on a former occasion, asked him a question in reference to an alleged crime at Sheffield, at which period he had received no information respecting it. Since that period he was grieved and ashamed to say, that he had received official information that two crimes similar to that described in the newspaper from which the hon. Member had quoted, had been committed in Sheffield; and he was also bound to state, and he did so with regret, that this was not the first time that a dastardly offence of this description had been committed in Sheffield. At the same time, he was bound to say, that Sheffield was the only town in England where crimes of this description were committed; and with respect to Sheffield, he could also state with satisfaction that the mayor and common

council, who were chosen under a system of an extensive suffrage, had corresponded with the Government, and manifested the most earnest desire that the persons guilty of this terrible offence should be brought to justice. The Representatives of Sheffield had also communicated with the Government; and it appeared that all the most respectable inhabitants of the town concurred in the desire that the perpetrators of this crime might be discovered and brought to punishment. The working classes, also, understanding that if this crime were not put an end to, the trade of Sheffield must be destroyed, partook in the desire that the perpetrators of this infamous offence might be brought to justice. A large reward for the discovery of the offenders had been offered; and Government had instituted such proceedings as they thought were calculated to bring to justice the guilty parties. He certainly was not prepared to include Sheffield in the Irish Bill; but he would say, that if the law as it stood should be found inadequate to put an end to the perpetration of this offence, and any additional legal measures should be necessary for its prevention, he should not hesitate, under his official responsibility, to propose such measure to the House.

Mr. PARKER said, that he and his hon. Colleague had communicated with the Government; and the right hon. Baronet, so far from wishing to avoid a proper consideration of the subject, had assured them of his desire to take every possible step to promote the tranquillity of Sheffield, and to put down by every means in the power of the Government and Executive these outrageous and disgraceful proceedings. Among the inhabitants of Sheffield there was but one feeling of disgust and regret at them, mingled with consternation and alarm; because these outrages affected the stability and the prosperity of the trade of the town. It was felt that, if these offences were to go on, without the perpetrators being discovered, the hitherto prosperous trade and manufactures of Sheffield would be brought to an unfortunate conclusion. Every body, therefore, of every degree, was most anxious that the offenders should be discovered, and an example made of them. One matter which struck him he would mention to the right hon. Baronet—for destruction of property, committed in open violence, the hundred, the borough, or the district, was liable under the old Saxon law; but for offences of the kind just brought under the notice of the House, there was no remedy nor compensation. In this instance, the proprietors of the premises injured were three ladies of small means, and they could not even prevent their tenants from employing the parties who were supposed to have caused the explosion. These ladies suffered all the injury and had no remedy.

Subject at an end.

HEALTH OF TOWNS.

Lord DUNCAN inquired whether it were the intention of the Government to proceed this Session with the Health of Towns Bill, brought in last Session?

Sir J. GRAHAM said, it appeared to him that there was as much business already for the House to perform as it was likely to transact in a reasonable time. The Bill to which the noble Lord referred was introduced last Session, and circulated throughout the country during the recess. Various suggestions had been made, and the Amendments so suggested had been incorporated in the Bill; but, from his experience in that House, he must say, that it was not prudent to lay on the Table of the House Bills, with respect to which there was no probability of their further progress. The Bill to which the noble Lord referred was matured; and he should lay it on the Table of the House, if he saw a fair prospect of his being able to pass it; but at the present moment he must decline promising to do so.

The Order of the Day read.

PROTECTION OF LIFE (IRELAND)—ADJOURNED DEBATE (SIXTH NIGHT).

On the Order of the Day being read for resuming the Adjourned Debate upon this Bill,

Mr. M'CARTHY said: At this stage of the debate it is not my intention to trouble the House with long statistical details to prove what is the present condition of Ireland. In endeavouring to find a remedy for a great and admitted evil, the first consideration which naturally presents itself is the origin of the evil. Member after Member has risen in this House and has declared—and the statement has not been denied—that those outrages have their origin in agrarian causes—that they flow from that unhappy connexion which exists between the owners and the occupiers of the soil. What is the remedy which the Government proposes for the disease? The alleged object of the present Bill is to prevent crime, and to detect it when committed.

The first object, I fear, will not be accomplished, for it is a lamentable characteristic of those outrages that they are committed for the greater part in the noon-day. Unlike other delinquents, the perpetrators of these outrages seek not the covert of night. They are for the most part strangers to the locality where the crimes are committed, and are men of the most reckless character. The Government may succeed in locking up the peaceful inhabitants of Ireland from sunset to sunrise; but can they prevent those daring men meeting in the lonely glen or the mountain heath to concoct their schemes of blood? As to the detection of crime when committed, I think the Bill will be equally inefficacious. At present Government offers great rewards for the detection of offenders, and yet complains that it is unable to procure evidence. Is it to be imagined that the levying of the proposed rate on the inhabitants of a disturbed district will hold out a greater inducement to give evidence, than the high rewards already offered by the Government? I disapprove *in toto* of the levying of such a rate in Ireland, and fear that if it be persisted in, the foundations of property will be shaken to their very basis. Sir, the more I reflect upon this Bill—the more I consider its inadequacy to secure the objects which it purports to have in view—the more thoroughly persuaded I became that it has not originated with or been shaped and fashioned by either of the right hon. Baronets opposite. It wants that fitness for its object, it lacks that adaptation of means to the end, which shows the hand of the master. But I think I can trace it to its source; I believe I can point out the hands by which it has been wrought. Sir, it is the misfortune of the Irish Administration, and not merely of the present, but of almost every Administration which has preceded it, that the government of that country is not conducted by statesmen, but is a government of law officers. You send over to Ireland a chief governor. It may be some English nobleman, who had spent his life in the innocent occupations of a country gentleman; it may be some gallant soldier, distinguished for his bravery in the field; or it is perhaps some veteran diplomatist, accustomed to the intrigues of courts, and inured to all the tedious processes of protracted negotiations; but, one and all, they arrive in that country totally unacquainted with it, knowing nothing of its people, of their character, their wants, their feelings, their passions, their prejudices—of all those elements which must enter into the consideration of any man who would govern a people. To assist such a Lord Lieutenant, you send over a chief secretary, gifted with the same negative accomplishments. They arrive in Ireland, and they must endeavour to obtain information—they must take counsel. Then present themselves the law officers of the Crown—the Attorney General, the Solicitor General, and the counsel to the Castle. These are gentlemen who, having breathed for so long a time the pure air of the courts of law, must be supposed to have purged off all party heats and sectarian prejudices, and become enamoured of impartial justice. They are men deeply read in the history of Ireland, as that history is to be seen in penal statutes and the criminal code. They are perfectly conversant with the grievances of the people, and the modes of redressing them, as they are to be found in Insurrection Acts, Whiteboy Acts, Coercion Acts, and the State Trials. They are men, too, of elevated views. They have their eyes continually fixed on a lofty object—the Bench. Towards that object they advance with a steadiness and resolution not to be shaken; and, whilst gazing on that high eminence, it would be unreasonable to expect that they should take note or observation of the inferior objects which are passing around them. Such are the men, and such their accomplishments, to whom, as it were by the necessity of things, the government of Ireland is committed. In a dark chamber of Dublin Castle these worthies meet—

> "Brontesque, Steropesque, et nudus, membra Pyracmon."

There the armour of the Irish Government is to be furbished up, there is forged the rod with which Ireland is to be ruled. It is stated "the people are complaining of grievances, they are combining, confederating, assembling, and calling aloud for redress." "Give them a State prosecution," says Brontes. But some evil-disposed persons in the agricultural districts are searching for and robbing arms. "Give them an Arms Bill," says Steropes, "in order that they may know where the arms are to be found." But the landlords are exercising the extreme rights of property, they are asserting their right to do as they will with their own. In a season of great pressure and privation, they are turning thousands, houseless and despairing, upon the world. Some of the wretched tenants, stung to madness by suffering, are wreaking a hor-

rible vengeance upon the supposed authors of their misery. "Let them have a Coercion Bill by all means," cries Pyracmon. And so it is, State prosecutions, Arms Bills, Coercion Acts, these things are all in the line of those legal gentlemen: and "try what you please, but there's nothing like leather." Out of that forge in Dublin Castle came the great State prosecution, which was to have "fulmined" over Ireland, and stricken down all agitation and all remonstrance. Out of that forge came the Arms Bill, which the Government watched over, and cherished with all the fondness of the projectors of a great invention. Of that "spent thunderbolt" I shall say nothing; its inventors admit it to have been "*brutum fulmen.*" And now, Sir, out of the same laboratory issues forth the measure at present before us. It came from the workshop a very formidable-looking weapon. In its passage through another place, it was somewhat shorn of its terrific splendours, but it still retains all the native baseness of the metal out of which it has been wrought. And now I understand that the Pyracmon of the Irish Government has come over, "*nudus membra,*" stripped to the work, for the purpose of watching and repairing the further mutilations which it may suffer; but, unfortunately neither he nor any of his brother Cyclopians have been as yet able to establish their anvil within the House. Sir, having traced this measure to its source I am not surprised at its character, or at its inadequacy to effect the object which it purports to have in view. Now it is said that this question of outrage in Ireland should not be mixed up with political considerations; and the right hon. Gentleman the Secretary at War has entreated us to abstain from such topics, in a tone of deprecation which strongly reminds me of the remonstrance of Falstaff when upbraided with his delinquencies—

"No more of that, an thou lov'st me, Hal."

Now, Sir, I admit that those outrages have not their immediate source in politics; but yet, in one sense, they may be said to have some connection with them. The exertion which might be made by a people contented with its political position is stayed, the energy which such a people might put forth for the suppression of those outrages is paralysed, by the heavy weight of political grievances. Depend upon it you cannot hope to govern Ireland, either for the benefit of that country or the advantage of the Empire, except through the affections of the great body of the people. What have you done to obtain that affection? You withheld Emancipation until that measure lost all its grace and much of its value—until it appeared to be, not a voluntary offering to justice, but a sacrifice to necessity. That was not suited to obtain for you the affection of the Irish people. When you gave a large reform to England and Scotland, you grudgingly dealt out a stinted measure to Ireland. That could not win you their affection. You reformed the municipal institutions of the Scotch and English; for five years you refused any reform to the Irish; and when at length you did consent to reform the corporations of Ireland, you still refused to place them upon an equal footing with the English or the Scotch. Surely, that could not win you Irish affection. You found in Ireland a great ecclesiastical Establishment which had once belonged to the nation, but which English power handed over to a small minority, one-eleventh of the people. You refused to touch that Establishment, to pare down its excess, or devote any part of its surplus revenues to national purposes; and there it stands to the present hour a monument of our subjection, and of your misgovernment—a monument which is pointed to by the whole civilized world, as the evidence of your injustice and misrule. That could not possibly gain you the affection of the Irish people; and then when that people complain of those grievances, and despairing of obtaining redress from you, assemble and associate for the purpose of obtaining that redress by the only means which seem to them likely to ensure it—you institute a prosecution against their leader—against the man whom they look upon as the instrument through whom they have obtained whatever of good has as yet been conceeded to them. You conduct that prosecution by means which I will not characterize; you procure a sentence, and you proceed to inflict that sentence, which the highest tribunal in the Empire declared to have been illegal and unjust. Surely that was not calculated to gain you the affection of the Irish people. But you did more. When you entered upon the government of the country, you found upon the bench of magistrates many men whom your predecessors had placed there, because of their station in the country, and their sympathies with the people; and because those men gave utterance to their sympathies, and because they joined the people in their de-

mand for redress, you removed them from the Bench, and left the people to look for justice to tribunals where they were sure to see none but those who had ever been opposed to them in religion and politics. Such has been your policy in Ireland. The state of that country under your rule has been an alternation from the frenzy of excitement to the languor of exhaustion. You have sometimes applied a salve to the wound, but you at the same time administered an irritant to the constitution; and when your treatment has produced madness, you explain, "the disease is a malady natural to the patient." Now, Sir, when I reflect upon these matters, I cannot bring myself to believe that you do these things wittingly. And the right hon. Baronet at the head of the Government occasionally lets fall sentiments in regard to Ireland, which sometimes give rise in my bosom to some passing gleam of hope. And I admit that if I were to listen to the soothing speeches of the right hon. Baronet, or if I were to permit myself to be led away by the honeyed words and engaging smiles of the Secretary for the Home Department, I might possibly be led to entertain some faint hope, that some, at least, of the grievances of Ireland would be redressed. But, unfortunately, the Government of the country sits not upon the benches opposite; and the tone which pervades another place forbids me to hope for any large or adequate measure of redress for Ireland. Sir, it sometimes happens to us to be present in another place, where, though we have ears, we must not not hear; but, upon a late occasion, I happened to have "not heard," but seen in a newspaper, sentiments attributed to an illustrious Duke who holds a high place in the Government of the country, and to a noble and learned Lord, who usually performs the part of Mentor to Her Majesty's Ministers, sentiments which, if they are to guide the conduct of Government, must put an end to all hope, in the Irish mind, of redress from your legislation. That noble and learned Lord is stated to have said, that the relation between landlord and tenant in Ireland is a great and crying evil; but then, he says, "You must not interfere with the rights of property—property which distinguishes the civilized from the savage man—you must not touch that sacred thing—you must not prevent the landlord from doing as he willeth with his own." As if, Sir, property and its rights were not all the creatures of society—as if they were not all derived from that source—as if they, as well as every other right, must not be controlled by the public weal, and prevented from destroying the fountain from which they flow. Sir, I can admit of no rights of property inconsistent with the well-being of the State. Then the noble and learned Lord comes to the Irish Church Establishment, and he says, "it is a great anomaly—the greatest anomaly in all ecclesiastical history." He says, it is a great evil; he goes further—he says, it is, in his opinion, the greatest evil under which Ireland labours. But then, he adds, the evil is so great, the anomaly is so enormous, that you cannot remove it. This is an appalling announcement to Ireland. But, then, the noble Lord has some consolation in store—he would not drive us to despair—he has prepared a measure for shortening the common forms of leases, and curtailing the verbiage of Irish mortgages. Sir, if, when grievances are palpable and patent, we are to be told that they must not be redressed, because of their greatness and extent—if our just remonstrances against admitted evils are to be encountered by the paltry contrivances becoming a Lincoln's Inn conveyancer—if the complaints of the people are continually and for ever to be met by coercive enactments—if such be the maxim of your Government, perhaps you have force and power enough to assert your authority over the land of Ireland; but over its inhabitants you never can. You may follow the example of Elizabeth, and desolate the soil—you may act upon the principles of Strafford, whose maxim was, "Thorough and thorough"—you may make a solitude, and reign amidst it, but over a people you will never rule. You know not the people with whom you are about to deal. You are as unacquainted with their character as you seem to be with their grievances and the mode of redressing them. Allow me, then, to call your attention for a moment to the estimate of that character, which has been formed by an illustrious foreigner, a great and philosophic historian of our own day, one who—

"Hiving wisdom with each studious year,"

has devoted his deep erudition, and lent the light of his surpassing talents, to illustrate the history of the nations which now form the population of these kingdoms. Monsieur Augustin Thierry, speaking of the Irish people, says—

"It is a sad thing, but one well worthy of remark, that blood is shed in Ireland, in our days,

for the old quarrel of the conquest. Since the days of the invasion, that race of men has constantly willed that which their conquerors willed not, detested what they loved, and loved what they detested. This indomitable obstinacy, this faculty of preserving throughout ages of misery the recollection of their lost liberty, and of never despairing of a cause always beaten, always fatal to those who dared to defend it, is, perhaps, the most strange, and the grandest example which a people has ever given."

Let not that testimony of a foreigner to the character of the Irish people be lost upon you. A people whom you have beaten, but not vanquished—whom you have overthrown, but never subdued. Take counsel, before you drive that people to the conviction that, from your legislation, though they may have much to fear, they can have nothing to hope. The history of your party, the whole course of your policy, has been an assertion that Ireland was unfit to participate in the privileges of Britons. You have treated it as a country unworthy of freedom; and you sought to govern its people as an inferior race. The noble Lords and right hon. Gentlemen who are now absent from this debate, but who, when English questions are under discussion usually sit upon these benches, and who some years since held in their hands the government of the country, and at one period wielded a majority in this House, even greater than that which you have possessed; they, too, tampered with the liberties of Ireland, and from that hour I date their fall. You have admitted that Ireland is "your great difficulty:" by this Bill you are about to render it your impossibility. Upon that Irish rock, Administration after Administration has gone to pieces. Each in its turn has left its sting in the Irish mind—

"Animasque in vulnere ponunt."

Believe me, if you would govern the Empire, you must do right to Ireland. I call upon you to look at our country, not as a battle-ground upon which your adverse parties are to contend for pre-eminence; but to regard her as a portion of this great Empire—a portion upon whose welfare must depend the well-being of the whole. You have tried menace—you have tried coercion from time to time—you have exhausted all the resources of force and penal legislation: have you ever tried simple justice? Even at this the eleventh hour be not afraid to retrace your steps; be not ashamed to turn from injustice to justice; do right and fear not. Sir, I have entered this House, unconnected with either of the great parties which divide it. With neither Whig nor Tory have I any ties. I belong to an ancient race, whom all your parties have in turn persecuted and proscribed. When you first entered Ireland you found them powerful, and in the exercise of authority. After a series of conflicts, continued throughout centuries, you succeeded in beating them down. And now, for the first time, after a lapse of 200 years, one of their descendants has the privilege of holding a seat in the great Council of the country. Sir, I make these remarks in order that you may understand the feelings and the sentiments which I represent, and the position in which circumstances have placed me. And now I beg to assure the right hon. Baronet at the head of the Government that I have witnessed with great admiration the firmness and decision with which, upon another question, he has shaken himself loose from all party ties. I have observed that where the great commercial interests of this country were at stake, he has disregarded all those considerations which sway and control ordinary minds—he has disregarded them for the purpose of securing what appears to him to be a great national good; and he has shown a wisdom and ability in his project of redress which, in my opinion, ought to obtain for him the approbation of posterity. Now, then, I call upon the right hon. Baronet to exhibit the same firmness and the same ability in dealing with the wrongs of my country. I ask him not to follow in the traces of others; I call upon him not to tread in their footsteps, or to adopt their half measures; but let him take the same comprehensive view of Irish grievances which he has done of commercial burdens; let him be his own example; and having supplied the wants of commerce, let him turn to the social and political evils of Ireland, and there emulate himself.

Mr. H. J. BAILLIE could not understand why so much opposition had been made to the first reading of the present Bill. He considered that Government would not be justified in bringing forward any such measure, unless they were prepared to prove that they were acting from a paramount necessity. The question was, had the Government made out a case of necessity? Hon. Gentlemen opposite denied that they had done so, and several of them had gone so far as to assert that there was a greater amount of crime in England than in Ireland. But the question was not as to the amount of crime, but as to the im-

punity with which it is committed in Ireland and the difficulty of bringing the criminal to trial. No one had ever ventured to assert that the people of England sympathized with the assassin, or screened him from justice, or that witnesses were deterred from giving evidence for fear of their lives. Objections had been taken to the details of the measure; but these ought properly to be considered in Committee, and ought not to deter them from affirming the principle of the Bill by reading it a first time. It had been said by those who were opposed to the Bill that it ought to have been accompanied with some remedial measures. He wished that those who constantly called for remedial measures would have the kindness to state what in their opinion were the particular measures which the state of Ireland required. If they would do so, he thought it would very soon appear that considerable difference of opinion existed among hon. Gentlemen opposite on the subject. The hon. Member for Stroud and the hon. Member for Finsbury were both of opinion that a new system of Poor Laws, giving extensive out-of-door relief, ought to be the foundation of any remedial measure. But the hon. and learned Member for Cork was opposed to any such measure. Others maintained that fixity of tenure, and a heavy tax on absentee landlords, formed the panacea for Ireland; while another called on Government to bring forward a measure to remedy the defects in the law of landlord and tenant. Where such a difference of opinion existed, it was not easy to see how Government could bring forward any measure that would be likely to reconcile these discordant opinions, or that would be cordially supported by the representatives of the Irish people. If any new system of Poor Law should be introduced, he hoped it would impose a much heavier tax on absentee proprietors than that to which they were now subjected. But what he complained of was, that the hon. Gentlemen opposite, who were constantly calling out for justice to Ireland, would not give the House an opportunity of considering the measures which they thought calculated to obtain that object. But as long as the Members for Ireland continued in the course they were at present pursuing, they should not be surprised if their motives were misinterpreted by the people of England, or that a colour should be given to those charges which had been made against them, of indifference to the real welfare of Ireland, and of taking advantage of the present condition of that country, as a means of furthering political agitation.

COLONEL VERNER would not attempt to follow the hon. Gentlemen on the opposite side, who addressed the House on the history of Ireland: he could not avoid entering, however briefly, on a defence of the landlords of Ireland, in order to remove those imputations which had been cast upon them. In doing so, he would confine himself to that part of Ireland with which he was more immediately connected, and with which he was best acquainted. He could say from his own personal knowledge there was not in any country a class of persons who were more interested in the happiness, the prosperity, the welfare, and the comfort of their tenantry, than were the landed proprietors of the province of Ulster. He could take upon him to say, that their principal study was, how they could best benefit their tenantry. He would appeal to those who ever travelled through the north of Ireland, if they would not admit that the general appearance of that province, the neatness of the cottages of the people, the comfort of the farmers and their children, were not so apparent as at once to indicate the kindness and indulgence of the landlords and resident gentry, or in their absence the active exertions of their agents, who manifest that care and attention which were well calculated to promote the interest of their employers and the advantages of the poorer classes. He did not, however, hesitate to admit that there were cases of hardship, of uncalled-for severity upon the part of some landlords, but such cases were generally to be found in other parts of Ireland; it was, therefore, unfair and unjust that the conduct of such persons should be visited on the whole of the landlords of Ireland. But suppose the charge did apply in its fullest extent to every landlord in Ireland—would that palliate or justify the crime of murder? It was very easy for persons to throw all the blame on the landlords; but if persons would reflect a little, they might soon discover other and stronger reasons for crime in Ireland than any misconduct on their part. There existed at that moment a numerous, widely-spread, and well-organized body in that country, and which had existed to his certain knowledge for upwards of forty years, and which it could be proved, beyond all doubt, existed many years before; a body which, while it appeared under different forms and designa-

tions, had ever the same object in view—the extermination of Protestants. ["No, no!"] He would say, "Yes!" and he could, if necessary, prove it to the House by evidence the most incontrovertible. On a former occasion the right hon. Baronet at the head of Her Majesty's Government was represented as having stated that the crimes in Ireland had not their origin either in a religious or sectarian character; and that assertion was iterated by the hon. and learned Member for Cork; for to that hon. and learned Gentleman that declaration was too valuable to be omitted; he was of too quick discernment not to know its importance, and give to it its full weight. The hon. and learned Gentleman declared in that House, and in presence of the press of England, that however persons might assume that the disturbances in Ireland had a political or a sectarian character, that the Government had decided to the contrary. The Government might have made that declaration; but he denied its accuracy; and he would in that House, and before the press of England, give to that statement his most unqualified contradiction. If there were nothing of a religious or sectarian character in the outrages committed, why was it that in ninety-nine cases out of one hundred, the persons who were brought forward and charged with their commission, were, in almost every instance, Roman Catholics? Were not, he would ask, those crimes generally committed in the open day, and in the presence of hundreds, not one of whom would advance to arrest the hand of the assassin, nor would they come forward to give evidence on behalf of the injured party? Such being the facts of the case, how could any one take on him to say, that there was nothing of a religious or party character in the outrages of Ireland? Had the Government had recourse to strong, vigorous and decisive measures, and had they done so in the proper time, his firm belief was, that it would have prevented those calamities which involved families in the loss of friends and relatives; and which measures, if rigorously enforced, would have rendered the present Bill totally unnecessary. He could not help alluding to an observation which was made on a former night by the hon. Member for the city of Limerick, who declared, that the Irish Members were determined to embarrass the Government by every means the usages of Parliament permitted; and that they would do so even at the cost of the increase of crime, so as to effect the permanent suppression of the Bill before the House. The only construction he (Colonel Verner) could put on such language was, that the Irish Members were determined to oppose every measure which had for its object the protection of the lives and properties of the Protestants of Ireland. The hon. Member for Cork stated in that House that crime was not diminishing, and that the question was, what was the proper course which ought to be adopted to prevent its increase. He (Colonel Verner) would state what, in his opinion, was that course which ought to be adopted, in order to the prevention of crime. He would put down all agitation and agitators. He would suppress all societies, associations, and particularly those meetings, the object of which was to circulate throughout the country pernicious principles—principles which kept the people at variance—which promoted disunion and hatred. That was the course he would pursue, and that was the course which ought to be adopted; and were such a course adopted, peace and tranquillity would be the result. He would again repeat, that he did not think there was a more praiseworthy body of men on the face of the earth than the landlords of Ireland; and he was sure such was the general feeling of all whose opinion was worth anything in Ireland: such, he knew, was the opinion of several of the Judges on the bench—men who had the best opportunity of knowing the actual state of that country—who were well acquainted with it in all its relations. Really to benefit Ireland, let there be an end to that mistaken conciliation—let there be an end to uncalled-for concession. Had not every attempt at conciliation and concession been met by fresh insult, by contempt and scorn? In support of his assertion the hon. and gallant Member read an extract from the *Nation*, an organ of the Roman Catholic body in Ireland, which stated the alienation of the whole mass of that country to the existing institutions, a deep and strong hostility to the forms of that Government under which they lived, a feeling of hostility which was rather gaining strength than diminishing. Such the thanks, such the feeling, and such the gratitude manifested for every endeavour to conciliate Ireland. He would also advert to a petition from the Repeal Wardens of Wexford, which was presented to that House, which petition was printed with the Votes. He would like to know whether that House

acknowledged the Repeal Wardens of Ireland as such? If it did, it should also acknowledge the meeting held in Conciliation Hall; it should acknowledge that Parliament sitting in Dublin; and if all these things were acknowledged, the sooner the Union was repealed the better.

Mr. JOHN O'BRIEN, in reference to the observations made by the hon. and gallant Member, begged to observe, that his only object was to avail himself of the privileges of the House to prevent the passing of a temporary measure, that there might be adopted some remedy which would permanently and effectually lead to the suppression of crime in Ireland.

Mr. HAWES could not concur with the hon. and gallant Member for Armagh, in his recommendation of what he called strong and vigorous measures to put down agitation and agitators in Ireland. The hon. and gallant Member belonged to a party that might by this time, he thought, have gathered some wisdom from past experience, for they must have seen how little good those strong and vigorous measures had ever produced. He rose principally to make a few remarks on the grounds which had been advanced in favour of the Bill. The question he had to consider was, whether he could give his consent to the first reading of the measure, or whether he ought to vote for the Amendment of the hon. and learned Member for Cork, admitting the existence of the outrages, but affirming that they would be aggravated rather than removed by the Bill. He could affirm positively that the measure was considered to be of a decidedly unconstitutional character by many hon. Members upon his side of the House, and one which nothing could justify but a clear and proved necessity. Had that necessity been made out by Her Majesty's Government? It was upon this point he meant to take his stand; and he meant to tell the right hon. Baronet the Secretary for the Home Department that, in his opinion, he had not made out a case to justify a departure from the ordinary laws of the kingdom, and resort to a coercive power. He understood that this Bill had been founded upon what the right hon. Baronet called an increase of crime in Ireland; and in making his statements the right hon. Baronet referred to two classes of crime; one reported by the stipendary magistracy, and the other by the police force. The reports from the first body related to crimes detected; and from the latter, in many cases, to undetected cases. This rendered it very difficult to ascertain the real amount of crime committed. The right hon. Gentleman had laid upon the Table certain Returns in reference to the number of criminal offenders committed for trial in 1845; and from those returns he (Mr. Hawes) should quote, because in reference to their accuracy there could not be any dispute. Upon referring to the criminal returns which had been laid upon the Table, he found that the year 1845 presented a considerable decrease in the number of committals in Ireland, as compared with the preceding year. The decrease was, in fact, no less than 1405, and which extended to all classes of crime, as well those comprising the gravest offences as those of a lesser description. What did those Returns show? Why, as regarded Class 1, or crimes against the public peace, there had been a decrease of eleven per cent in 1845, as compared with the preceding year. In the offences against property, there had been a slight increase in 1845. The right hon. Baronet then went on to the more serious and more aggravated offences, and stated that in 1844 the offences against the person with violence, were 5,400 odd; and in 1845 they amounted to 4,000 odd. Then, as regarded the crime of murder, he stated emphatically that according to the returns there had been a decrease of 28 per cent in 1845, as compared to 1844; whilst the decrease in the crime of attempt at murder, during the same period, amounted to 53½ per cent. Upon that general view of the question, undoubtedly, no one would ever attempt to found the necessity for a Coercion Bill. But the right hon. Baronet told them that although crime in Ireland might generally have decreased, still in particular counties there had been a great increase; and it was for this reason that he asked for power to proclaim those particular counties in which this increase had taken place. Now, if the right hon. Baronet had shown an increase of crime in these districts, he would have made out a case for the passing of the Bill, as far as regarded its application to those disturbed counties. But how stood the fact? He (Mr. Hawes) had not selected any individual year, but he had taken a series of years, viz., 1841, 1842, 1843, 1844, and 1845; and he had also taken those counties only mentioned by the right hon. Baronet, viz., Clare, Limerick, Leitrim, Tipperary, and Roscommon; and what did he find were the returns of crime during those

years for these counties? Tipperary was the first he would deal with, and he found that the number of committals for all offences in that county was as follows:—in 1841, 1,584; 1842, 1,282; 1843, 1,720; 1844, 1,280; 1845, 1,508. In Clare, committals for all offences in 1841, 592; 1842, 747; 1843, 757; 1844, 721; 1845, 536. In Roscommon, committals for all offences also: in 1841, 788; 1842, 765; 1843, 713; 1844, 663; 1845, 555. In the county of Limerick, for all offences, the committals were in 1841, 834; 1842, 1,079; 1843, 897; 1844, 767; 1845, 683. In Leitrim, the numbers were, for all classes of offences, in 1841, 416; 1842, 427; 1843, 484; 1844, 317; 1845, 361. At the same time the committals in all Ireland were, in 1841, 20,796; 1842, 21,186; 1843, 20,126; 1844, 19,448; 1845, 16,696; showing a clear decrease of crime, and furnishing no ground of justification for a Coercion Bill. So much for the committals for all offences in the disturbed counties and in Ireland. He then came to the crime of murder, and he would take the same series of years, and the same counties. The cases of murder, where committals had been obtained, were, in Tipperary, in 1841, 22; 1842, 10; 1843, 18; 1844, 21; 1845, 30; showing an increase in this county. In Clare, in 1841, 4; 1842, 52; 1843, 0; 1844, 3; 1845, 4. In Roscommon—they had heard a deal of the disturbance of this county—the number of committals for murder were, in 1841, 4; 1842, 8; 1843, 0; 1844, 10; 1845, 0. In the county of Limerick, in 1841, 10; 1842, 23; 1843, 3; 1844, 3; 1845, 2. And in the county of Leitrim the number of committals for this crime stood as follows:—1841, 1; 1842, 2; 1843, 11; 1844, 2; 1845, 1. So that, as regarded the particular crime of murder in the disturbed counties, there did not appear to be any justification whatever for a measure of this description. Since the period when the returns from which he had quoted had been laid upon the Table of that House other returns of a similar nature had been moved for, by the hon. Member for Liskeard, and obtained; and the latter Paper, in its first page, referred exclusively to what was called outrages reported to the police, many of which, it would be borne in mind, were never investigated, and never came before any tribunal whatever. These reports might or they might not indicate a disturbed state, or that crime was on the increase. He had, however, endeavoured to ascertain the most unfavourable account of crime, and, consequently, the most favourable one in support of this measure; and he had applied various tests to ascertain the increase of crime, and what was its nature, and especially of that class of crimes with which this Coercion Bill was to deal. The latest Government Returns gave the number of outrages reported to have been committed in Ireland in the years 1842, 1843, 1844, and 1845, against the public peace, against property, and against the person. Adding up the crimes under their several heads, he found the following to be the result—that offences against the person reported by the police, not committals, was, in 1842, 1411; 1843, 1442; 1844, 1700; 1845, 1685—offences against property, reported to the police, in 1842, 2905; 1843, 2140; 1844, 2321; 1845, 2216; showing a steady and continuous falling off of crime. He begged the House to mark the next head—namely, offences against the public peace, as reported to the police. The returns before them showed that these were, in 1842, 2187; 1843, 2352; 1844, 2282; 1845, 4161. Of course, it was natural for any one to ask, how this large increase in this particular crime was to be accounted for. His answer was, that this increase arose entirely from charges of sending threatening letters and notices, the number of which stood thus: in 1842, 1362; 1843, 1312; 1844, 1420; 1845, 2217. Thus it appeared that the increase of crime, if any had taken place, was in a class that the Coercion Bill could not by any possibility reach. He admitted it was a great crime, and the commission of which ought to be met with severe punishment; but he asked, was it sufficient to justify the enactment of the Coercion Bill? That was the only head under which he found an increase of crime; and he asked, was that a case upon which the Government could rest a necessity for a Coercion Bill? It might, however, be said, that there had been a great increase in undetected crime; and, therefore, it was necessary, with a view to detect the offenders, to pass this Bill. He had taken the trouble to ascertain the number of committals and convictions in 1844, and he found that they formed about the same proportion in that year as they had done in previous years; but he was not prepared to state whether, since 1844, intimidation had done more in the way of deterring witnesses from giving their evidence against accused

parties, or juries giving verdicts in their favour; but this he could say, that in 1844 the number of committals was 19,448, and the convictions 8,042, showing a difference of 11,406 between the committals and convictions. In 1845, the committals were 16,696, and the convictions only 7,101, being an excess of committals over convictions of 9,595. There was nothing in those returns to show that the crime of intimidating juries was on the increase. What, then, he asked again, were the grounds for alarm, or the necessity for a Coercion Bill? The hon. and gallant Gentleman who spoke last said, they ought to have recourse to strong measures. They had continually tried such measures. He hardly knew the number of Coercion Bills which had disgraced the Statute-book of the English and Irish Parliament. The hon. Member for Winchester informed him, no less than seventeen had been passed since the Union. He could not consider them as anything else than seventeen blots upon good government. They had had, he would remind the House, the experience of a Government conducting the affairs of Ireland without resorting to strong measures; and it was a Government bitterly opposed, and one which met with obstruction on almost every hand. He referred to the period when Lord Normanby was Lord Lieutenant in Ireland; and he would only refer to the evidence given before the Lords' Committee in 1839, as to the state of Ireland at the time that that noble Lord had the affairs of Ireland in his hands, to show the effects of that noble Lord's government. Captain Vignolles says—

"That crime had decidedly decreased in Ireland for the last five years—that he has not had many instances of combination against property before him, and has had none at all recently—and that his district is remarkably peaceable."

Mr. Hickman, Crown Solicitor for the Connaught Circuit for twenty-five years, says—

"That it includes the whole province of Connaught, Roscommon, Leitrim, Sligo, Mayo, and Galway. That the whole circuit has, during the last five years, been in a more tranquil state than previously."

Sir Michael O'Loughlin says—

"That he does not remember Ireland so tranquil as it has been for some time."

Mr. Cahill, Sessional Prosecutor in Tipperary, says—

"The impression upon my mind, without having any written data to go upon, is, that crime has greatly decreased in Tipperary since 1836—that the county is more quiet than I ever knew it before."

Mr. Ford, Sessional Solicitor, for Meath, says—

"He is perfectly acquainted with the state of crime there; that it has lately diminished there; which diminution is attributable to the improvements in the administration of justice which have been made within the last four years."

Mr. Cahill says—

"That crime would probably be increased by the accession of a Government different in principle from the present."

He (Mr. Hawes) thought he had shown, that apart from police and constabulary reports, that the actual amount of crime, as ascertained by the convictions, did not furnish sufficient grounds for giving their sanction to this Bill. He had also pointed out a period when Ireland was in a state of tranquillity without a Coercion Bill; and he had also shown, that since that period crime in Ireland had been diminishing. But when he heard it said that we ought to resort to strong and vigorous measures, he could not help being reminded of a speech made many years ago, in 1814, by the right hon. Gentleman at the head of the Government, a speech to which, in 1846, he begged to call his attention. The occasion of its delivery was the proposition by the right hon. Baronet of a Coercion Bill, from which he then expected the happiest results. The right hon. Gentleman anticipated thirty-two years back that by the adoption of some such measure as the present crime would be repressed, and tranquillity would be restored to Ireland. The Bill had been tried, and failed, and a long interval had passed, and still crime and outrages were committed as heretofore, the people were quite as discontented as ever, and the only relief promised was a repetition of the odious measure proposed in 1814. Upon that occasion the right hon. Baronet said—

"He regretted to state that in those parts of Ireland where the laws had been administered with the greatest severity, where the greatest number of convictions had taken place, the terror arising from those convictions had scarcely survived the cause, when new combinations of a more extensive and dangerous character had obtained birth; and these combinations were carried on with a degree of secrecy which defied the operations of the law as it at present existed. He was satisfied that the measure he proposed would prevent the evils then existing. The measure was upon the report of an extraordinary session of magistrates; the district was to be proclaimed, requiring all persons, from sunrise to sunset to keep within their houses; that no person should be suffered to be drinking in a public-house after nine o'clock; and, finally, if de-

tected out of their houses after nine without being able to show good cause, they would be considered as idle and disorderly, and be liable to be transported for seven years. They were to be tried by a special sessions, and at the option of the Lord Lieutenant trial by jury was to be dispensed with."

The right hon. Gentleman, in proof of the state of Ireland, quoted the horrible practice of carding, and stated that he had a memorial dated November, 1813, signed by thirty-six magistrates of the county of Westmeath, stating that daring outrages were committed in the open day—that assassinations were perpetrated at the places of worship and in the face of a large congregation, without the slightest resistance. Such was the Bill from which the right hon. Baronet anticipated the happiest results. Had they flown from it? In 1846, another measure of a similar character, to meet a like emergency, was in the act of being proposed. He knew it would be said, in defence of the present measure, that there existed undetected crime to such an extent as to make it necessary. But let it be remembered that we have now in Ireland a better police force than ever, that there was a very large military force there, and neither the progress of education nor of temperance must be forgotten. He repeated that he did not believe that the extent of undetected crime now existing in Ireland was greater than at any former period. What then were we to hope from the Bill? The Bill of 1814 was opposed by Mr. Horner, Mr. Whitbread, and the great and good Mr. Romilly, and by all the leaders of the Opposition in those days; and their example animated him (Mr. Hawes) to give his uncompromising opposition to the present measure. At that former period, the great men whom he had mentioned warned the Government that they were pursuing a bad policy, that trouble and discontent would follow, as indeed they had tracked the course of every Coercion Bill, from that time to this. There might be a time in which such a Bill would be necessary; but the case must be clear, strong, and broadly defined. The evidence to that effect, in his opinion, had neither been given in the Return laid upon the Table, or by the right hon. Baronet in his address to the House. Now he did not desire to prolong that debate. He could indeed have wished that his hon. Friends might be disposed to shorten the discussion on that stage of the Bill. Perhaps, if he were an Irish Member he should not be much disposed to listen to a suggestion of that nature from an English Member—that was a confession which he had made with perfect candour; yet he thought Irish Members had done sufficient to show their sincere devotion to their country, and would probably, by not protracting the debate, rally round them, in common opposition to an unjust and oppressive Bill, more English Members than would be induced to join them, than if they unnecessarily stopped the progress of legislation. By showing a just regard to the general interests of the Empire, they would do more to obtain support in their opposition to this Bill, than by any other course which could be adopted. He made this observation with feelings of great respect for those Members. He took his stand with them against the Bill; and he thought they were perfectly justified in offering a determined opposition to the first reading. It was not an ordinary Bill; and when it was brought down from the House of Lords, they had full knowledge of its contents. Although the right hon. Gentleman had withdrawn the declaration which he formerly made, still he could not help attaching great weight to the statement, that the first reading of this Bill must have a powerful effect in Ireland. He would add that the opposition which this Bill had encountered, and must still encounter, would rob the Bill of all the value which it could have, even in the estimation of its supporters. If passed into a law—and he firmly believed that those who were at one time anxious that the Bill should pass, began now to see that it was a useless and unnecessary measure—all the moral effect of prestige was gone; and it could not now be said that the two Houses of Parliament, being impressed with the prevalence of crime and insubordination in Ireland, were coming to the rescue of the Minister who proposed a Coercion Bill as the only means of preserving peace. All the popular representatives of Ireland disclaimed the statements made with regard to Ireland. They told the supporters of this measure that it would be useless, and worse than useless. It was his (Mr. Hawes's) belief that the Bill was an insult to Ireland, and would confer no single benefit upon that country. He did not suppose that anything which fell from him on this subject would have the slightest weight with Her Majesty's Government; but he had hoped that, seeing the state of business in that House, and the opposition which the Bill was likely to encounter, they would have felt it consistent with their duty to abandon the measure. Before sitting down he referred

to the eloquent speech which had been delivered in the early part of the evening by the hon. Member for Cork (Mr. M'Carthy), and he regretted that so much genuine eloquence had not been heard in a fuller House. He entirely concurred in the concluding part of that speech, calling upon the right hon. Gentleman to look at the difficulties of Ireland—he might add, the difficulties of England—arising out of the stoppage of public business, caused by the discussion of this Bill, and asking him seriously to consider whether it would not be consistent with his public duty to cease to press the Bill upon the attention of the House of Commons, where it would encounter opposition stage by stage, clause by clause, and line by line. If he knew anything of his hon. Friends from the other side of the water, after entering into this contest they would not shrink from prosecuting it until all other business, as well as the time of the House, was absorbed in the struggle. He hoped the House would pause before it put another Coercion Bill on the Statute-book, in the absence of any proposal of a remedial nature to meet the grievances of Ireland. An hon. and gallant Member said that he had remedies to propose; and one of them was to put down all associations. There were other remedies, however, which must be weighed and examined in that House. A Poor Law for Ireland on the principle of the English Poor Law was, he considered, essential to the welfare of Ireland; and the great question of the inclosure and occupation of waste lands in Ireland might well occupy the attention of the Government. There were many minor measures recommended by Lord Devon's Commission, which had not yet been touched by the Government; their whole time and thoughts having, through some perverting influence or other, been occupied in the preparation of a Coercion Bill, instead of the preparation of remedial measures. It was no exaggeration to say, that there were eight or ten practical measures suggested by the Report of the Commission, which were all adapted to confer great benefit on Ireland; and the adoption of which, therefore, would tend to the maintenance of the public peace in that country. He believed that the people of England would not long sanction this indifference to the claims of Ireland. Let them remember what a heavy tax they were paying for upholding the present system of government. Let them look at the army, and consider what an enormous force was now kept up in Ireland. Why, it was a scandal to the Government, that in the year 1846 it should be necessary to maintain in Ireland a force of 25,000 men for the preservation of the public peace. If hon. Members understood this subject, there need no longer be a party debate; but all would unite in carrying out remedial measures. He sincerely believed that Her Majesty's Government would obtain more popularity, and would secure more of the gratitude of the people, if they could reconcile it with their duty to abandon the Bill altogether, and let the House proceed to the consideration of measures which were more calculated to confer benefit on the Empire, and especially on Ireland.

SIR R. PEEL: Sir, whether Her Majesty's Government would obtain greater popularity by persevering with this measure or by abandoning it, is hardly a consideration which ought to influence the conduct of those who are responsible for the maintenance of the public peace in Ireland. It may be true that more of popularity might be gained by a willing acquiescence on our part in the proposal of the hon. Gentleman who has just sat down; but that popularity would be gained at a costly sacrifice, if it were obtained by the sacrifice of the duty of those who are responsible for maintaining the public peace; and if it were accompanied also by increased danger to life and property in Ireland. Sir, I said at an early period of these discussions, that I should think I was wanting in due respect both for the country to which this measure refers, and the importance of the subject, if I permitted this debate to close without offering some observations upon it; and, as I would fain hope, after the full and able discussion which this measure has undergone in this preliminary stage of its progress, that we are now approaching the close of the present debate, I am unwilling to postpone to a later period the performance of a duty which I feel to be incumbent upon me. Sir, I wish, in the first place, to explain to the House what were the motives of Her Majesty's Government in proposing that the first stage of this Bill should be interposed in the progress of another Bill of the deepest importance, in my opinion, to the welfare of this country. I assure the House that it was not from any punctilious desire of adherence to established usage, that we felt it our duty to propose the first reading of this Bill. What were the circumstances under which this

Bill, or rather this subject generally, was brought under the consideration of both Houses of Parliament? In the Speech from the Throne, on the first day of the Session, the first practical measure which Her Majesty recommended to our consideration was, a measure for the purpose of giving, if possible, increased security to life in Ireland, on account of the frequency of assassination. Her Majesty did recommend to the consideration of Parliament three or four measures of great importance. The first was the state of Ireland as regarded the frequency of assassination, and the necessity, in Her Majesty's opinion, of taking some precautions to prevent the frequent recurrence of that crime. What was the answer returned by this House to that part of the Speech from the Throne? There was an assurance given on the part of the House, not that it would adopt any measures that might be proposed by the Government, but that the House was deeply impressed with the importance of the subject, and that it would take into its consideration measures which had for their object the prevention of this grievous crime. A Bill for that purpose was brought into the House of Lords. It passed through that House with very little opposition. The Irish Peers connected by political sentiments with many of the hon. Gentlemen opposite, felt convinced of the necessity of this or of some such measure, and gave their assent to this Bill. I believe there was no opposition to the principle of the Bill, at least there was none which was marked by a vote; and the Bill was sent down to the House of Commons. It has been the uniform, I believe the invariable, practice, with respect to a measure undertaken by the Government—a measure of this importance, a measure recommended to the consideration of Parliament, on the first day of the Session, from the Throne—it has, I say, been the invariable usage, on such a measure introduced by the Government being brought from the House of Lords into this House, to give to that measure a first reading. Each Member of the House of Lords has a right to lay a Bill on the Table of the House, and, as a matter of course, that Bill is read a first time. No such usage prevails here; but it has been the universal course, with respect to measures of this description, brought in by the Government, recommended from the Throne, when they have passed either branch of the Legislature, to treat them with so much of deference—to show such a willingness, not to adopt them, but to take them into consideration, as at least to permit them to pass the preliminary stage of a first reading. Now, I am not denying that hon. Gentlemen opposite have a perfect right to contest the Bill in its first stage. I am not implying that they unduly exercised any privilege which they possess, by calling the attention of the House to the general state of Ireland; I am only now considering the question whether Her Majesty's Government would have been justified, seeing what has been the universal course heretofore pursued by Parliament, in permitting this Bill to lie on the Table without the slightest notice being taken of it. Sir, I do not admit that the House of Lords would have had any right to resent our omission to read it a first time. It was from no mere punctilious deference for the House of Lords that we took this course; but of this we felt deeply convinced, that if we permitted this Bill, so recommended from the throne, and so passed by the House of Lords, to lie on this Table without notice, the representatives of Ireland might accuse us, and justly accuse us, of offering an insult to that country. The Bill is undoubtedly one by which it was proposed to suspend the ordinary liberties of the subject. Look at the character of the measure. The more you insist on its unconstitutional character, the more you establish the necessity that a Bill of this kind should not be treated with levity, nor disregarded by Her Majesty's Government. This Bill does empower the Lord Lieutenant to deprive the subject of liberties which, under all ordinary circumstances, he is entitled to enjoy; and would it have been right, considering the special application of this Bill to one part only of the Empire, would it have been right for the Government, in a matter of such immense importance, to have shown such an apparent disregard for the great principles of civil liberty as would have been implied in our thus departing, for the first time, from that which had been the uniform usage? I feel the importance of the opposition now offered by you, the representatives of Ireland, to the first reading of this Bill; but believe me, in the case of a Bill infringing, as I admit that this does, upon your liberties, and applying especially to Ireland, if we had departed from that course which in the case of every English Bill has been uniformly observed, the time would soon have ar-

rived when you would have charged us with doing to Ireland a great injustice, and showing a culpable indifference with regard to that liberty of which we ought to be the guardians. Sir, I think I need hardly refer to the injurious surmise which I have heard thrown out, that Her Majesty's Government had become indifferent to the progress of the Corn Bill, and that they had interposed this discussion, or rather this first reading of another measure, with a view to the defeat of that Bill. I know that hon. Gentlemen have not said so for themselves, but they have said in the course of the discussion that such an impression exists on the part of the public. Sir, I shall be prepared to give whatever proof may be required of the sincerity of my convictions on the subject of the Corn Bill. It is sufficient for me now to state that the progress of the discussion, the lapse of time, and intervening events, have more strongly confirmed me in the feeling which I expressed when I proposed the permanent and final adjustment of this question. Sir, I will not deny that even during these debates my opinions on that subject have undergone a change; but it is this change, that restrictions which I at first believed to be impolitic, I now believe to be unjust, and, consequently, a sense of their injustice precludes any compromise on my part. That which I have proposed, both with respect to the amount of duty and the continuance of duty, is all that I am enabled to offer; and in answer to injurious suspicions, I think it enough to say that I shall be perfectly ready to testify by any public act the sincerity of my intentions. Therefore, Sir, I say that the first consideration which entered into the minds of the Government in proposing, pursuant to uniform custom, the first reading of this Bill, was not any lurking desire to interpose any difficulties to the progress of those commercial measures which they had proposed to this House, or to defer for a single day the final decision of the question which they embrace. I now proceed, Sir, to review the considerations which have induced Her Majesty's Government, with great pain and sincere reluctance, to propose any measure of a harsh or extraordinary character with respect to Ireland. Sir, the hon. Gentleman the Member for the city of Cork (Mr. M'Carthy), who spoke in the course of this evening, and who made a speech I think as remarkable for its ability as it was distinguished for the brevity with which observations of so striking a character were conveyed—that hon. Gentleman expressed his belief that I had no other disposition but one of kindness towards the people of Ireland, but that my good wishes were overruled by some malign influence. I do assure the hon. Member that he does me but justice in attributing to me the most sincere interest in that part of Her Majesty's dominions; but that he does me injustice in supposing that any such influence could overrule my sense of duty. If I did not believe that a positive necessity required some such measure to give protection to life in Ireland, and to prevent social disorganization and the deterioration consequent on frequent crimes being unpunished, of the national character, no consideration would have induced me, or those with whom I act, to have been party to this measure. I was much struck with one observation which fell from one of the hon. Gentleman who represent Ireland—the hon. Member for Drogheda—I think as to the grounds on which such a measure ought to have been introduced. He said, that we, who propose this measure, are bound to establish three facts: we are bound to show, first, that there prevails in Ireland, at the present time, both as to the frequency of crime, but, above all, as to the character and nature of the offences committed, a necessity for some extraordinary measure; next, that we are bound to show that all the ordinary resources of the established law have been exhausted, that we have done all we could with the instruments the Constitution places in our hands, for the preservation of life and the maintenance of order; and, thirdly, that there is a rational ground for hoping and believing that the particular measure proposed, which is at variance with the established principles of law, is likely to be effectual for the purpose to which it is to be applied. I think, Sir, that we are bound to establish—by proof as far as proof is possible, and by argument so far as reasoning can advance towards proof—those three facts to which the hon. Member for Drogheda refers. We are bound to prove that there is at the present moment, from the nature and the frequency of crimes—I speak more particularly of assassinations and crimes affecting the public peace—Ireland is in an unusual position. We are bound also to prove that we have exhausted all the ordinary means provided by the law; and we are bound also to establish by argument—for

proof in such a case is impossible—that the measure proposed will conduce to the end in view. The future effect cannot be proved. All we can do is to attempt to establish in the minds of those whom we invite to consult on the subject, a strong moral conviction that it is probable that the proposed law will be effectual for the purpose intended. Now, the hon. Gentleman who spoke last contested the facts which were adduced by my right hon. Friend the Secretary for the Home Department for the purpose of showing that there exists now, in the increase of crime in Ireland, an extraordinary necessity for a measure of this kind. The increase of crime, and also the character of that crime, can alone justify such a measure. You must consider the character of the crime, the possibility of detecting and punishing, the effect of impunity, and the danger there is that, through impunity, crime may be contagious—you must consider these things before you come to the conclusion that a law of this kind is unjust in principle. Following the hon. Member for Lambeth, I will first take into consideration the frequency of crime in Ireland. The figures the hon. Member has quoted may be correct; but I do not think he will be able to contest the facts to which I am going to refer. I am about to contrast the year 1843 with the year 1844. In 1844 there was some increase of crime—I speak of crimes which endanger the public tranquility—but we were unwilling to apply without necessity to the House for extraordinary powers. Let us, however, take the comparison, though to compare one year with the one immediately following may sometimes be fallacious. [Mr. HAWES: To what document are you referring?] I believe that the document I refer to has been published. What I hold in my hand is a document furnished by the police in Ireland; a comparative view of the extent of crime from 1835 to 1845, and which is, as to the later years, I believe, exactly concurrent with that which is laid on the Table of the House. [Mr. HAWES: I quoted the special Report of the Constabulary in Ireland from 1842 to 1845.] Yes; and therefore including the years to which I refer. I will leave you to judge whether my selection of crimes is a fair one. The different heads are homicides, conspiracies to murder, assaults on the police, aggravated assaults, demand for or robbery of arms, administering oaths, sending threatening notices, attacking houses, firing into dwellings: offences which do not involve any serious disturbance of the public peace I shall exclude. I shall take only crimes, the frequency of which is characteristic of a diseased state of society. I begin with homicides. In 1843 the number of homicides reported at the constabulary office was 122; in 1845 they were 139. Are those numbers the same as the numbers in the return to which the hon. Gentleman referred? [Mr. HAWES: Yes.] Then the returns are the same. The number of crimes, then, in the two years 1843 and 1845 are stated as follows:—

Offences.	1843.	1845.
Homicides	122	139
Conspiring to murder	3	8
Assault on police and magistrates	48	72
Aggravated assault	444	540
Demand or robbery of arms	119	551
Administering oaths	51	223
Threatening notices	940	1,944
Attacking houses	215	483
Firing into dwellings	87	138

An hon. Gentleman opposite seemed to consider the offence of issuing threatening notices as one that ought hardly to enter into a statement on the subject. [Mr. POWELL: No; but there are fabrications.] Sir, making allowance for that, the increase of that particular offence is a consideration which ought not to be left out of view. With deference to the hon. Gentleman's local experience, an increase from 940 in 1843, to 1,944, is a significant circumstance. Threatening notices themselves inflict no injury; but they are enough to disturb the tranquillity of families, and those families know this fact, that the execution of the sentence of vengeance follows too often. There may be instances in which threatening notices are fabricated. It may be possible, and I believe it is. I make every deduction on that account—I wish to be chargeable with no exaggeration. Still the increase of that offence, coupled with the increase of the other offences to which I have referred, is, I am afraid, a strong proof of a diseased state of society. Well, then, we come to attacking houses, and we find that the instances in which houses were attacked in 1843, as returned to the police, were 252; and in 1845, 480. Now, in the course of two years, we find here in such an offence as that of attacking houses, an increase from 252 to 480: that surely is a *primâ facie* case that the existing law is inadequate for the repression of crime. I

now take that other and more heinous crime, the firing into dwelling-houses. In 1843, there were 87 cases, and in 1845, 138. I think, in the character of the offences to which I have referred, and the rapid increase in the number of those offences, I have given a sufficient answer to the speech of the hon. Gentleman who attempted to show that crime was as frequent in 1843 as in 1845. So much for the frequency; and I now come to the character of those offences, and I cannot use more emphatic language with regard to them than that which has been used by the opponents of the present measure. I shall first take the language which has been used by the hon. Member for Drogheda, in which he spoke of the character and quality of those crimes. He said, that he viewed them with horror, as indicating that the national character of Ireland was undergoing a change—that heretofore there had been on the part of Irishmen a respect for age and sex—that the helplessness of age and the character of sex had been sufficient to protect them from injury—and that the aged and the female were held in peculiar respect; but in reading these details of atrocity, he said he was afraid there was a change in the national character. Now, Sir, let us see whether age or sex constitutes a guarantee against injury or outrage; and this is a most important consideration—looking not at the frequency of crime, but at its character; and the House will bear in mind that this is not my language, but that of one of the opponents of this measure. Sir, I admit that the character of that country stood high for a chivalrous feeling of deference to the female sex, and in respect for age; but I take the account of the hon. Member for Drogheda—one of the most decided opponents of the Bill—and I ask the House whether any stronger language could be used to demonstrate what has been the effect on the national character of the frequent repetition of those crimes? I shall take the language of the hon. Member who closed the debate on the previous evening, the hon. Member for Kilkenny, for I took down his words. He says—

"I am overwhelmed with disgust and shame at the hideous crimes committed in some parts of Ireland."

"I am overwhelmed with disgust and shame at the hideous crimes!" Well, then, and are these crimes to be committed and to remain unpunished? Are we to be perfectly passive, and adopt no measures to check the frequency of atrocities which fill hon. Members connected with that country with disgust and shame? Let me take some of the offences which justify the description given, not by us, but by hon. Members who are the opponents of the Bill, as to the effect of those crimes on the national character, which we have been disposed to hold in just estimation. Now, Sir, I will take the case—although I admit that it would be most unfair to judge of the character of this or any other country from one or two isolated cases, but still such cases as those to which I shall refer are not to be entirely disregarded—I shall take a case in which a party has been persecuted for merely asserting his rights, and I shall ask you what protection is there to be given to these men? These men are in a humble position. They were three brothers, of the name of Hogan—John Hogan, Barney Hogan, and Marshal Hogan. Barney and Marshal were both fired at in the month of February last, and the other a few weeks ago. In the language of the official statement—

"The murdered man was brother to Darby and Michael Hogan, both of whom have been fired at, the one in February last, the others a few weeks ago; they have police protection by my recommendation, two men being furnished on alternate days from two neighbouring stations—a plan that I now see works badly, for the draught renders it nearly inoperative for other duties. I would, therefore advise that two men be stationed permanently at Hogan's. I have mentioned this to the police officer, and it meets his approval."

Had they no protection? Was nothing done to rescue them? They had police protection. Two policemen were stationed permanently for their protection. But what became of the first of these brothers? I quote again the official statement:—

"It is my painful duty to state to you, for the information of his Excellency the Lord Lieutenant, that at dusk last evening a farmer named John Hogan, residing at Ballinderry, was shot dead close to his own house; three or four shots were discharged at him so close as to set his clothes on fire, and his body perforated in every part with balls. The cause assigned is, that he had taken an acre of land joining his farm, whence a neighbour had been dispossessed."

The cause assigned for the murder was, that he had taken an acre of land adjoining his own farm, from which a neighbour had been dispossessed. That was the offence. I am sure the hon. Gentleman (Mr. P. Scrope), who thinks some alteration ought to be made in reference to the tenure of land, will admit that it was not to be permitted that John Hogan should be shot because he had taken land from which a neighbour was dispossessed. The hon.

Gentleman will, no doubt, concur with me in holding that such offences as the offence perpetrated in the instance I have now cited, should, if possible, be prevented, whatever our permanent remedies may be for the amelioration of Ireland. If we are to exact allegiance from John Hogan, and we allow him to be riddled with balls close to his own door for taking a vacant acre of land, we are not fulfilling the conditions and obligations that society imposes. Take the case of those three persons. The three have been shot at—one in February last; one a few weeks since; and the two brothers are obliged to be protected by two policemen; while the third has had his body perforated with balls. Sir, this is an isolated and individual case, and it may not be fair to judge from it of the character of the country; but this is a perfectly different question from whether it is not the duty of the Legislature and the Executive to provide for those who have a just claim upon us for protection, and whether those who render allegiance to the Sovereign should not have the protection of the laws extended to them. The Executive Government is bound to do what in it lies to afford them protection. I next take the case of the man which justifies the lamentation of the hon. Member for Drogheda, and I say that this is a reflection on the national character—that is, when there is no longer any deference paid to either sex or age. In the case of Laurence Leahy, the magistrate writes—

"On the evening of the 11th inst., at 5 o'clock, an armed party of seven men entered the house of Lawrence Leahy, a respectable farmer, and rushed at him; but Leahy, who was a very tall and powerful man, knocked down four of them with his fist; but, after a struggle, he was overpowered and beat down; when on the ground, his wife threw herself over him, but [what did these men do when the wife of the unfortunate man interposed her own body—risked her life in the attempt to save him?] one of the fellows placed a gun quite close to his leg, and fired it, which dreadfully shattered the leg, and then struck him on the head with guns."

Then there is the case of a man named Lynch. He had put in an ejectment process, and this is the police report:—

"Poor Lynch could not escape, the under-tenants to a man were leagued against him, and lived all contiguous to his house, so that his every movement was watched. About a month since sub-inspector Burke, of this station, received private information that there was a party hired to shoot Lynch the morning following."

A man receiving 5*l.* or 6*l.* to commit a murder! A party of police remained for some time in Mr. Lynch's house. No attempt was made. The police could not stay there permanently; but it was perfectly plain that an attempt would be made, and it was made. The magistrate says:—

"I never witnessed a more distressing scene than the wailing of this poor man's wife, daughters, and sons presented; now not only deprived of their parent, but of all the property they possessed."

If there are to be victims, if a man is to be murdered in presence of his wife and family, if such occurrences are frequent, it is not without ground that the hon. Gentleman dreads a deterioration of the national character. There is a reign of terror. A man of the name of Egan had a tent on the race course of Ballina. According to the official account—

"A party of twelve or fifteen men entered the tent, and grievously assaulted Egan and his servant, Landrigan, with stones. On the following day the matter came to the knowledge of the police, who proceeded to the tent, and found Egan pursuing his usual avocations, complaining but little of his injuries, unwilling to afford any information on the subject, and totally denying any knowledge of the assailants. At that time, and for a day or two after, Egan suppressed all reference to the case of Landrigan; and it was not until the latter was speechless and past recovery that Egan apprised the police of his condition. Landrigan died that day, and Egan became so ill that his recovery for a while was doubtful."

There is, then, a reluctance to give information in criminal cases, and so a check is placed on the ordinary execution of the law. Egan had been beaten himself, and so had his servant. But not until his servant is at extremity does he send for the police. The servant dies; and Egan dies also. Here is another case which occurred on the 26th of November last:—

"The board of directors of the Mining Company of Ireland hereby gives notice to all whom it may concern, that the companys' works at Earl's Hill Colliery will be suspended on Saturday, the 20th of December next, or the earliest day admissible under existing contracts. The board has been reluctantly impelled to adopt this course by the outrages and threats to which the company's stewards, Martin Morris and others, have been subjected with impunity, notwithstanding large rewards offered for information which might lead to the punishment of the offenders, and by the threatening notices subsequently served on those well-disposed workmen who are desirous to work under the company, and earn support for themselves and families, but whose lives are too highly valued by the board to be risked by a continuance of the works until sufficient protection can be afforded to them."

In consequence of the menaces held out, and the dangers with which it appeared the officers and workmen of the company were surrounded, the works were stopped

to the great injury of the district. Well, then, let us take the number of murders in 1845, and the number of convictions. I have counted them, and I find there are 146 cases of murder, and, I think, there are not more than thirteen convictions. There is the return giving the number of murders since the 1st of February, 1842, specifying the county and barony of the county where such murders have been perpetrated. There is a separate return of attempts to murder not attended with bodily injury. This return to which I refer is of persons murdered. I shall read the designations of the persons murdered:—

"'Field labourer,' 'magistrate,' 'labourer,' 'poor woman,' 'farmer,' 'labourer,' 'labourer,' 'servant,' 'labourer,' 'pensioner's wife,' 'labourer,' 'labourer,' 'labourer.'"

Look at the classes! [Mr. Powell: Is that all Ireland?] In all Ireland. Why, a farmer living in a slated house, or a gentleman in his mansion house, may have some protection; but what is the condition of the labourer? I think, if you can afford protection to men of that class—if you can prevent the repetition of outrages against those least able to guard against them—though you do violate some constitutional principle, yet, so great is the evil of permitting murders to be committed almost with entire impunity, that there is no restraint to which one would not rather submit than suffer the continuance of that monster grievance. I have attempted to show from the frequency of crimes endangering life, and connected with the preservation of the public peace—from the nature and quality of the crimes injurious to the character of the country—from the frequent instances of complete impunity—from the fear there is of giving evidence either before a magistrate or in court—from the danger there is that these crimes will become contagious and spread to other districts, unless some vigorous effort be made at repression, I think I have made out a strong case that there is in the frequency and the character of crime in Ireland an imperative call on the Legislature to consider—no more than this—whether precautions are not necessary? I now come to the second point: have we exhausted the means which the existing law puts at our disposal for the repression of crime? There is an immense police force. The military force, exemplary as they are in the discharge of their duty, are not the proper force to employ in this service. But there is a police force of nearly 10,000 men. I have not heard any allegation that the Government had been negligent in the direction of that force, or that it has been improperly distributed. A mere addition to the police force would not be accompanied with any great advantage. I am not aware that that instrument for the maintenance of the public peace has been applied in any manner which subjects the Government to condemnation, or requires from them any explanation. I believe that of the force placed at the command of the Government every effort has been made to make it as available as possible. But some hon. Members have said, "You have not sufficiently tried the efficacy of special commissions: wherever you have issued these special commissions, crime appears to have decreased." Now I think, with every respect for the opinion of others, that this is, after all, a very inefficacious instrument for meeting the evils with which we have now to deal. There is no use in sending down special commissions, unless we are prepared with the evidence necessary to punish for crimes that have been committed. The state of crime in Ireland is frightful; but the existence of it does by no means prove the necessity of sending down a special commission. It is not wise to hurry on the trials of offenders. It is not wise to incur the risk of defeat upon imperfect evidence, nor is it wise to exhibit the inefficacy of the law by sending down a special commission, that would be followed by no good or satisfactory result. It is not sufficient to demonstrate the frequency of crime, and to urge the necessity of having a special commission for the suppression of it, but you must also prove that we have the evidence that is necessary to support our accusations, and that we shall be able in all probability to cause the offenders to be brought to justice. Unless, then, you can prove the double fact—namely, the frequency of crime, and the probability of convictions, you do not at all demonstrate the policy of sending down special commissions. But this I must say, that in every instance where immediate examples were made, the most satisfactory efforts were produced in deterring offenders from the repetition of crime. In all cases where the Executive Government had seen the necessity of taking this course and the probability of bringing conviction home to the criminal parties, they never permitted considerations of expense or convenience to hinder them from sending down

commissions for the special trials of those who had committed these grievous offences against the laws of the country and the peace of its inhabitants. They have at all times exhibited a promptitude in taking the most efficacious measures for the repression of crime, in order that the signal examples thus made might have the effect of deterring others from the commission of similar offences; and therefore I am not aware in what single instance the Government can be fairly chargeable with not having used every instrument which the constitution and the laws of the country have placed at their disposal for the purpose of bringing offenders to trial, and of deterring by signal examples others from repeating those crimes. And this was the second point of the hon. Baronet's speech, in respect to which he demanded an explanation. The third point referred to by the hon. Baronet the Member for Drogheda, is, I think, the most important one for our consideration. It is highly important for us to consider whether this particular measure which we have proposed will be efficacious. I admit that to propose a measure of this kind would not by itself be likely to prove very efficacious. I think that to pass such a measure without adopting any other remedy for the unfortunate state of Ireland, would be an evil uncompensated by any one good. I am fully aware how bad a thing it is to multiply those precedents of exceeding the ordinary powers of the law and the Constitution, and that the frequent instances of these measures being adopted in Ireland is no justification whatever for repeating it. Proof being out of the question and demonstration impossible, the question is whether it is probable that this measure will be efficacious, and that it will not turn out to be an unmitigated evil. I will now endeavour to meet this point of the hon. Member's speech. I think that I have already shown urgent reasons for attempting something of the kind to meet the present condition of Ireland. And now what do I propose? Why, I find that in the year 1835 the Government of the country had taken an exactly similar course on finding enormous evils of the same kind as now exist in Ireland. What course, then, did the Government of that period take, feeling their responsibility for the protection of life in Ireland, if it can be protected there, and the necessity of restoring peace and tranquillity there? Now you have told us that we have disregarded the opinions of the Irish representatives in proposing the present Bill. All I can say in answer to that charge is this—that the representatives of Ireland—those Gentlemen who were, no doubt, best acquainted with the local circumstances of Ireland, at a time of great political excitement in 1835, these very representatives did, without any remonstrance, consent to a measure, the principle of which was exactly the same as the present one, which is so loudly condemned by them. Well, there are some differences between the former and the present measure—these differences I am perfectly willing to admit. Yes, but let us come to the examination of those points of difference. I am stating now what is the present position of Ireland—the increase of crime in that country—the impunity of crime there—and being responsible for the preservation of the peace there, and the repression of these crimes, we feel it necessary to propose the present measure as a remedy for these evils. Now, what was the remedy which the Irish Members had, on a former period agreed to, for the suppression of these evils? There may be a little difference between this measure and the one brought forward in 1835. We propose, for instance, that the Lord Lieutenant shall be empowered, in case of atrocious crimes being committed in the country, to apply this law to certain districts, a law which imposes upon the inhabitants of such districts to remain within their houses from sunset to sunrise. ["Hear, hear!"] Yes, but you consented to allow the same law, in effect, to be passed in 1835. This is but an amendment of that Coercion Act, and it enables the Lord Lieutenant to proclaim a district—to issue a requisition to the inhabitants of such proclaimed district to remain within their houses from sunset to sunrise, and to place the onus of proving his innocence upon the offender. There was no doubt, as I have already admitted, a difference between the two measures—the great difference was that regarding the penalty. Influenced by no other considerations than a desire to render the measure as efficacious as possible, when we find you, the representatives of Ireland, in 1835—a time of great political excitement—consenting to a law, the principle of which was this curfew clause, which is now so pertinaciously condemned—we thought it but natural that a measure formed upon the basis of the former one, which you so agreed to in 1835, would be equally approved of by you in 1846. The hon. Member for Lambeth has been just reading the accounts of the progressive tranquillity of Ireland from

the year 1835 to 1840; and he has been boasting of the beneficial effects which had been produced under the former Government; but are you aware that during the whole of that period you had actually in force this very measure. ["No, no!"] I should be sorry in the slightest degree to exaggerate. It might not then have been this very measure, for I have already stated that there is a difference in the penalties. I am glad that the hon. Member (Mr. Hawes) challenges me to a closer investigation. In the former measure it is stated that the grand jury shall have the power to present, to make a presentment, upon which the Lord Lieutenant shall have power to proclaim the district in question. Now, I must say, that it was in deference to your own opinions, and to make, as we considered, a great improvement in the present measure, as compared with the former, that we made an alteration in it in reference to this one point. We thought that if we had proposed that grand juries or magistrates should have the power of calling the powers of this Bill into operation it would have been objected to by the Irish Members. We thought you would have said that the Executive alone should take the responsibility of putting the Act in force. You have said that the landlords will avail themselves of the powers of this Act for the purpose of clearing their estates. Is it not better, then, to put it out of all suspicion, that those who will have to administer the law are actuated by such motives? If that is your opinion of the Irish landlords, or of many Irish landlords, which is the best course—to throw upon the Executive the entire responsibility, or to permit grand juries or magistrates to invoke the aid of the law? Which is more likely to maintain amicable relations between landlord and tenant, and to preserve unimpaired the confidence of the peasantry in the administration of the law—that the magistrates should have nothing to do with the law but to carry it out, or that the Lord Lieutenant should be asked to it on the requisition of the local body? We thought this a great and important alteration. But if you think otherwise, you will have an opportunity of altering it. If you think grand juries are the proper body to put the Act in force, you will have an opportunity of proposing it in Committee, and of making then any alterations in what may seem a hasty and ill-considered change from the Bill of 1835. But I have a strong opinion that it would be better that the responsibility of putting the Act in force, should rest with the Government rather than with the grand jury or the magistrates, who would afterwards have to carry it out. At all events, I think I have shown that there is no such departure from the law of 1835 as to lead us to expect this decided opposition. There is a material difference, I admit, in the amount of the penalty. By the law of 1835, a person found out at night might be punished as for a misdemeanour; now, he will be punishable by transportation for seven years. There is also a principle in the present Bill which is sanctioned by the ancient law of Ireland, of making the vicinage responsible for the Act. This is the law to which you object as making bad worse—as likely to arouse the feeling in that country in opposition to the law and the Government—viz., that provision which obliges persons to be within doors from sunset to sunrise—that principle affirmed by you in 1835, and which continued on the Statute-book without being repealed for five years. I do not think it likely that a change of Government induces you to object in 1846 to what you agreed to in 1835. I do not know whether the hon. Member who affirmed the progressive improvement of the country from 1835 to 1840, was aware that during the whole of that period the Lord Lieutenant had the power of enforcing that Act. Yes, throughout the whole of that period! Nor do we propose that it should come into operation without necessity. The provision has been sanctioned by the Legislature, and the Lord Lieutenant is empowered under this Bill to order that no person should be found out of his house after sunset. But, although that principle may be sanctioned, it is not necessary that it should be exercised. The best result would be, that the Act should never be wanted—that there should be found to be no necessity for its being enforced. But when the Irish Members are arguing that it will make matters worse, that it will cause increased exasperation, I remind them that the boast has been of the state of Ireland during those years in which, as I have proved, the Act of 1835 was upon the Statute-book. I believe there were only four divisions on the subject of that Bill. [Mr. S. O'Brien: I protested against the Bill, and endeavoured to shorten its duration.] There were only four divisions against the Bill. You permitted the Bill of 1835 to pass for five years. You permitted the Bill to remain

in force for five years, without a single Motion for its repeal. [Mr. S. O'Brien had made a Motion, subsequent to that, for the repeal of the Bill.] And how many voted for it? [Mr. S. O'Brien: Two.] Two! The hon. Member for Limerick moved to shorten the duration of the Bill to four years, and had two supporters; two years after that he moved to repeal the Bill, and had two supporters. And that is the measure which is now said to be "a disgrace to the Statute-book—a blot on our legislation," and only two Members voted for its repeal! If subsequent experience had led you to think the measure unwise, I am the last person to censure you for changing your opinion. I did not believe, until I heard it from your own mouths, that you would object to the provision to which you formerly assented. It was natural that, wishing to know from you the best means of repressing crime, I should propose in 1846 the measure which you proposed in 1835, and which, when it was proposed it should be repealed in two years instead of five, only two of you voted for the shorter term. I do not say you are not justified in opposing it now. I do not question your discretion; but don't accuse us of wishing to insult you, if in 1846, relying upon your authority upon matters of local concern, we take the same measures for repressing crime that you formerly assented to. You express your fears that the Bill may be used by the landlords to promote the "clearance system." I cannot conceive a greater offence than for an Executive Government to lend itself to such a purpose. Let us rather hope that when the Bill is passed it may not be necessary to enforce it—that it may lie dormant, and have the effect of preventing the occurrences it is intended to put down. Let us hope that if you sanction it for three years, parties may be deterred from the commission of crime; and that without inflicting what I admit is the grievous penalty of forbidding parties to leave their houses after sunset, or subjecting parties to the pecuniary penalties that the law provides—let us hope that it will be silently efficacious as heretofore, and that we may be enabled to dispense with it, and I should rejoice to dispense with it, at an earlier period than we propose. That was the case from 1835 to 1840—there was a progressive diminution of crime while that law was on the Statute-book; although not called into operation, the knowledge of its existence was efficacious for the repression of crime. Now, with respect to the penalty, I cannot undertake to say that the infliction of a pecuniary penalty on a district where a murder has been committed will be effectual; this is a provision of a very different nature from that of confining persons within their dwellings; but I think it likely such a provision may have a good effect. If there be frequent murders committed in any district, it does appear to me not an unnatural or unconstitutional remedy to provide, that the family of the murdered man shall have a provision from some fund or other; and the presumption is, that the vicinage which had not guarded effectually against crime shall pay it. It may be novel in principle, but I think it likely to be efficacious in a country like Ireland. We have heard that these murders are committed by strangers brought into the country. I am afraid that these strangers are harboured, in some instances, by the ordinary residents; but if the ordinary residents are aware that the frequent commission of murder subjects them to a pecuniary penalty for the support of the police, and a provision for the family of the murdered man, I think it highly probable that the irruption of these sanguinary strangers, hired to commit murder in that district, will be discouraged by those likely to pay the penalty for such offences. It was in that hope we introduced the enactment in this Bill which subjects to pecuniary mulct the parties who may live within the proclaimed district. As I stated before, although I cannot demonstrate that the Bill will be efficacious, yet I find that on a former occasion similar enactments were efficacious; that crimes in Ireland were diminished; that the Bill was permitted to expire; that it left no such rankling feelings in the Irish mind as some now anticipate; and therefore, judging from the past, I and my Colleagues have been induced to infer that in future the same measure may be effectual for the repression of these heinous offences. Then it has been asked, "Is this the effectual remedy of those evils that unfortunately exist in Ireland?" I answer at once, it would be utterly delusive so to represent it. It partakes in no degree of the character of a perfect remedy; it were an unmitigated evil if not justified by a great necessity. No, it is no remedy for the admitted state of social disorder which unfortunately exists in Ireland. I admit that. It is said, "You have had a similar measure fourteen or fifteen times in Ireland,

and it produced no good." But it never was intended as a permanent remedy for the social evils of Ireland. I don't draw the same inference you do from the frequency of its renewal. I think the very fact of its being introduced fourteen or fifteen times, and being permitted to expire, a convincing proof of two facts, first, that the Legislature was strongly inclined to deprive the Executive of these extraordinary powers at the earliest period it could; and also, that the measure did effect the immediate object in view, namely, diminishing the frequency of crime, and facilitating the conviction of offenders. No one will, as I have said, more readily admit that as a permanent measure of relief or improvement, it has no recommendation. I admit that the passing of such a law does not dispense with the necessity of maturely considering what are the real causes from which these disorders arise. If the Bill be as effectual as I hope it may be—if it be never called into operation, but yet succeed in repressing crime—I am willing to admit that the obligation of maturely considering what shall be the permanent remedies is in no degree diminished; I think it rather increased than diminished by the passing of laws of this character. I am sorry to say, I view with something more of despondency than many Gentlemen do, the possibility of any immediate application of a remedy by legislative enactments; but if angels were to dictate to you what should be your permanent legislation, I see no hope of your producing such an impression on the crime of the country as can dispense with the necessity of some immediate measure of this kind. Depend upon it, that the success of any future measures which may be adopted will be materially impeded by the frequency of crime. The first thing to be done is, to repress these crimes, to prevent the commission of them, and, if committed, to facilitate the discovery of the offenders and ensure their punishment. I wont discuss on the present occasion some of the remedies on which Gentlemen have dwelt as likely to apply a permanent remedy to Ireland. They are deserving of the utmost consideration, but they ought to be reserved for a separate consideration. That which many hon. Gentlemen have announced—the application of a Poor Law to Ireland, upon the principle of the English law—involves considerations of the utmost difficulty. The hon. Gentleman the Member for Kilkenny (Mr. J. O'Connell) spoke on that subject with great knowledge and judgment. In the course of his long speech he suggested many reasons why you ought to pause before you adopt the principle of granting a right to relief to the unemployed poor of Ireland. I should be sorry to say anything which could prejudice this case. I admit, the evils under which Ireland is suffering at the present moment from scantiness of food and disease are such as it is impossible to meet by any degree of English liberality, and that the frequent recurrence of evils of this kind imposes upon us the obligation of maturely considering what measures would conduce to the permanent benefit of that country. But, at the same time, do not let us too hastily adopt the conclusion that a Poor Law introduced into Ireland upon the principle of the English law, namely, a right to relief on the part of the unemployed, would meet the existing evils. Though the establishment of such a right might prevent many cases of distress, though it might afford a partial remedy for some present evils, yet you must take a comprehensive view of all the social consequences of establishing such an indefeasible claim. You must consider the position in society of those who would have to bear the burden of the system—how little superior they are at present in point of enjoyment to those for whom you seek relief—and how possible it is, unless you establish the wisest precautions, that you may be holding out an incentive to idleness. While, therefore, I admit the magnitude of the present evils—while I admit that their continued existence is almost impossible, I must ask you to consider how inefficacious is the power of the Government, with every disposition to do so, to afford an effectual remedy for those evils with which we are now attempting to struggle—I mean the scarcity and disease which prevail in some parts of Ireland. After the discussion which took place upon the modified Poor Law for Ireland, and after hearing the variety of opinions entertained by those best qualified to form a correct judgment on the subject, and who were well cognizant of the wants of the people, I should pause before I could commit myself to the principle that the English Poor Law—namely, the right to relief on the part of the unemployed—should be applied to Ireland. It is impossible to contemplate the state of landed property in Ireland without being compelled to admit that, at present, it is in a most unsatisfactory condition. A great number of estates are wholly unpro-

fitable to their nominal owners, being in the hands, not of proprietors, but of receivers; and it is impossible to contemplate the number of estates in this position, and their unfruitfulness either to the creditor or the proprietor, without being forcibly convinced of the absolute necessity of some change in the law. I entertain the strongest opinion that there is no country where the maintenance of the great principles of property is more important than in Ireland. I do not believe that you could hope to establish prosperity in any country, to afford encouragement to industry, or excite a desire to realize the fruits of labour, if you violated any of the great principles of property. At the same time, I must admit that it is impossible to read without deep apprehension the accounts of the great number of tenants evicted in Ireland; and I fear you will find it most difficult to apply any remedy for controlling the power of the landlord. You may be referred to the Bill introduced by the hon. Member for Rochdale, and you may be called upon to pass that measure; but if you sanction it in the form in which it was proposed, you must not suppose that it will afford any remedy for the state of things to which I have referred. It may be possible to legislate with respect to improvements—it may be just to say to the tenant, "If you effect a great improvement, your landlord, from pique or resentment, shall not deprive you of your holding without giving you compensation." But if you adopt that principle, and pass such a law, you will not deprive the landlord of the power of evicting or ejecting a pauper tenantry who have made no improvements, and who have no means of effecting them. Such a Landlord and Tenant Bill as that proposed by the hon. Member for Rochdale may be an element of social improvement; but do not suppose that it will remedy the particular state of things to which I have called your attention. The hon. Member for Cork (Mr. M'Carthy) has referred to the disposition of the forfeited estates which were granted to great absentee proprietors. His historical statements may be correct; but they only prove that for 300 years there have been in Ireland deep-seated evils, to which it is most difficult to apply any legislative remedy. The hon. Member for Cork has adverted to the forfeitures at the time of the Commonwealth. The hon. Member says this is one of the causes of the unfortunate state of things which now exists in Ireland. Be it so; but it is no justification of murder. It does not relieve us from the obligation of preventing the commission of monstrous crimes; it rather suggests to us the necessity of proceeding tenderly and cautiously, when we have to deal with evils of so long a growth. You (said the right hon. Baronet, addressing the Irish Members) may rather distrust the disposition of an Englishman towards Ireland; but, after an official residence of six years in that country, I left it with a most sincere desire for its wealth and prosperity. You will excuse me, if I speak with freedom, when I say, that I think you are apt to rely too much upon the power of the Executive Government. You are always saying that the Government ought to act; that the Legislature ought to pass new laws. Believe me, that you, the landlords of Ireland, have it in your own power to do more immediate good to your country than can be conferred by the Legislature. If you would meet together—I speak of absentees as well as of resident proprietors—and seriously consider what are the real evils of your country, and what are the obligations imposed upon you as possessors of property—if those who are armed with legal power, who eject their tenantry without considering how they are to obtain shelter and subsistence, would reflect on the consequences of such an exercise of their power, and if the exertion of this power be necessary—if they would maturely consider the duty imposed on them of providing, in some measure, against the dreadful consequences of such a course, which a very little liberality and forbearance would enable them to do—you would confer greater benefit on your country than the Government or legislation could effect. I need only remind you of the improvements effected in Ireland by Lord George Hill. Is it true, that only in the year 1838, that nobleman purchased some 18,000 or 20,000 acres of land in the wildest part of Ireland; that he said to himself, "I will perform my duty as a landlord; I will persevere against all difficulties; I will not be deterred by any opposition I may encounter from my tenants or neighbours, but I will persevere in my attempt to improve the condition of the people?" It is true that that noble Lord has succeeded in his attempt? Has he not succeeded, without the advantage of those prejudices which ancient hereditary descent might have created in his favour—for he purchased the property as a

stranger—in conciliating the good-will of the people? It is true, that by perseverance, by forbearance, by deference, in the first instance, perhaps to the ignorance or prejudices of the people, by kindly feeling, and by evincing determination to effect improvements, he has effected the revolution he contemplated in the country? And has not this been done consistently with the promotion of his own interests? Has not the value of his property improved? Have not his rentals increased? I must say I think that gentleman, by the example he has set, has entitled himself to be regarded as a public benefactor to his country. I honour and respect the motives which have led him to adopt this course; and I envy him the gratifying reflections of his own conscience. [Colonel CONOLLY here made an observation to the right hon. Baronet.] My hon. and gallant Friend says that my statement is strictly correct. My own impression is, that though much may be done by good legislation, by which the foundation at least of social improvement may be laid, yet that the immediate practical improvement of Ireland will be most efficaciously promoted by a combination of the landlords, resident and absentee, to follow the example of Lord G. Hill, to improve their own property, and to increase its productiveness, while at the same time they conciliate the affections and good will of those who stand towards them in the relation of tenants. Now, the complaints with reference to the state of the land and of the people of Ireland are not now made for the first time. For the last hundred years these complaints had been reiterated. Dr. Madden, a writer who by his good sense conciliated the esteem of the Earl of Chesterfield, published a treatise in 1737, nearly 110 years ago, in which he thus spoke of the landed proprietors of Ireland:—

"Now, as the position of a landlord is the single circumstance which is of the greatest importance and weight, and contributes chiefly to every one's influence and power, let us begin with that as the principal engine we can employ in this useful work, and lay down as the main foundation stone of our little building this first resolution, viz:—'that, as landlords in this poor kingdom, we will do our utmost in our little spheres to remove the defects and difficulties which we find our people and country, and particularly our own estates and tenants, lie under."

Again he says—

"And yet, to our shame we must confess, that in Ireland our tenants (I speak of the poorest and greatest part of them) have rather huts than houses, and those of our cotters are built, like birds' nests, of dirt wrought together and a few sticks and some straw, and like them are generally removed once a year, and consequently as migratory, and not so durable, as the carts and waggons of the wandering Tartars. Numbers of them have no chimney, either for want of wood, or skill to build one, but vent the smoke like those of the Hottentots; and if we had a market, as Mr. Beauplon says the Cossacks have, for wooden chimneys ready made, our poor people have not a penny to buy one. As miserable as they look on the outside, the family within are full as wretched, half starved and half clad, so that there is an absolute necessity to lodge them better and use them to warmer cottages and clothing, and a cleanlier way of feeding and living, if we would have them cultivate their lands or manufactures to any purpose."

This was written above 100 years ago, but I fear it is too true a description of the habits and habitations of the people in many parts of Ireland at the present time. Of this, however, I have the strongest conviction, that if the landlords of Ireland would consider the condition of the people; if they would imitate the practice in this country with respect to the building of houses for the occupation even of the poorest labourers; if they would enter into a combination the most laudable and honourable in which they could enrol themselves; if they would procure correct information as to the state of the country; if they would resolve to follow that noble example to which I have referred, the relations between rich and poor would be ameliorated, more kindly feelings would be encouraged, and greater confidence in the law would be established, than could be effected by any measures that Government or the Legislature could adopt. While, therefore, you call on the Government to introduce measures, and upon Parliament to sanction them, I do hope you will recognize that principle for which I have been contending, that there is a moral obligation incumbent upon the possessor of property, which laws cannot supersede or control, the exercise of which is essential to the well-being and prosperity of the country. I trust that in stating the reasons which have induced the Government to introduce this Bill, I have said nothing which can by possibility excite or embitter animosities. I have not said one word blaming the representatives of Ireland for the course they have taken. All I can find fault with, therefore, is, that, professing to be anxious for discussion, they have not permitted a continuous discussion on the subject; I think they ought to have permitted us from day to day to proceed with the discussion of the Bill. I have no authority whatever to question

their exercise of their right; but I must say, I think their occupying two days in the week with Irish Motions is calculated to impede rather than to facilitate free discussion. It is now, I think, five weeks since this measure was introduced ; I have stated the reasons which induced the Government to interpose it before other measures were proceeded with; and I do hope, considering the long discussion, the full discussion, the able discussion which has taken place upon it, that the representatives of Ireland will now feel that they have done their duty, and will permit the sense of the House to be taken upon this preliminary stage. I wish to avoid a word which could pique them into a further continuance of the debate ; I find no fault with them ; I do not mean to question the exercise of their discretion ; but I do hope considering that this is but a preliminary discussion, and considering what measures are pending of the utmost importance to Ireland, that they will yield to that which I believe is the prevailing opinion on all sides of the House—the prevailing sentiment of those who would most cordially concur with them in resisting the further progress of this Bill—that they will feel they have performed their duty to their country, and will at length permit the sense of the House to be taken upon this preliminary stage of the Bill.

Mr. WYSE said, that he fully concurred with the right hon. Baronet who had just sat down in thinking that much inconvenience had arisen from the prolongation of this debate ; and he also felt very sensibly the painful position which Irish Members were placed in in that House, with reference to the motives which had compelled them to adopt the course they had pursued with reference to this measure. The right hon. Baronet had himself, in introducing his Corn Law measure, declared that he considered it of such vast importance that he did not wish that any other measure should interfere with it ; and most assuredly nothing but a paramount sense of the duty they owed their country, could induce the Irish Members to do anything that could impede that measure, the more particularly as it was looked upon as one which might have the effect of alleviating the evils consequent upon the scarcity which now prevailed in Ireland. He could not agree with the right hon. Baronet in thinking that the Government stood alone from the imputation of blame in this matter, although they had thrown it wholly on his side of the House. The right hon. Baronet, undoubtedly, as the head of Her Majesty's Government, was the responsible guardian of the public peace ; and it was his duty to see in what manner the public peace could be best preserved. It was also well that the attention of the Legislature should be addressed to a subject of this importance. But when the Bill came down from the other House, he could not agree with the right hon. Baronet that the House of Commons would have been guilty of violating a principle, or of disrespect towards the other branch of the Legislature, if it had been allowed to remain for some time undiscussed. The right hon. Gentleman seemed to think that the present course was the first time that such a mode of opposition had been adopted in that House; but he (Mr. Wyse) begged to call to his recollection the proceedings of 1833, when a similar Bill was proposed. The resistance to that measure took place on the first reading; and it lasted during a period almost as long as the present. And it was reasonable it should be so. The House must make up its mind to the inconvenience of the discussion—an inconvenience not arising upon any particular Bill affecting Ireland, but upon all Bills affecting that country which did not meet the evils under which it suffered, and which were not in accordance with the sentiments of its representatives. He contended, therefore, that from the nature of the case the Irish Members were not in justice liable to the imputation which had been thrown upon them. The right hon. Baronet had referred to a speech delivered by his hon. Friend the Member for Drogheda (Sir W. Somerville), who required that the Government should prove, first, that there were sufficient grounds in the state of the country to justify coercive measures ; next, that the present was the best measure ; and, third, that the ordinary powers of the law had failed. It was certainly a matter of surprise to him (Mr. Wyse), that in this year of 1846, forty-five years after the Union of Ireland with this country—the most prosperous and magnificent Empire in the world—that the Sixth Article of the Act of Union had not yet been complied with. By this Article the same rights and privileges were guaranteed to the people of Ireland that were enjoyed by the people of England ; their demands for justice were to be considered ; the grievances under which they laboured were to be redressed. Yet the present was the seven-

teenth or eighteenth measure of coercion which had been given to Ireland, instead of the proper remedies for her grievances. Whilst other States in the world were looking with complacency upon the large measures of reform and improvement which England had effected not only in her own commerce and legislation, but in those of other countries, they were remarking that the grievances of her sister were unredressed. The Bill had been called on one side, "A Bill for the better Protection of Life," and on the other, a "Coercion Bill." He believed it was a little protective of life; but upon the recommendation of the right hon. Baronet himself he believed it to be more for coercion, in support of which the right hon. Gentleman had a little stretched his case. Security was the first condition of the enjoyment, not only of property, but of life and liberty; and it was in vain to talk of our Constitution or our freedom unless they guaranteed to the subject the privilege of protection. He would not take the dagger of the assassin as the sword of justice, nor the sentence of the midnight tribunal as the verdict of the law. That was not his code. But the question was whether that particular state of things existed? Had the right hon. Baronet proved to the satisfaction of the House that the reports which he had read were so accurate as to justify a call for extraordinary power? He had detailed them to the House. Now he found from the same reports that there were some parts which by no means supported the case. He found the number of homicides in 1842 was 106, and in 1845, 139; but considering the increase of population, and the distress through which the people had passed in the meantime, there did not appear in this respect that enormous excess of crime which should justify a suspension of the Constitution. Of aggravated assaults there had been a slight increase; but of assaults dangerous to life the number in 1842 was greater than in 1845. In 1842 the number was 249, but in 1845 it was 237. In the demand for arms there had doubtless been a considerable increase, for in 1842 the number was 160, whilst in 1845 it was 551; but this increase had been foretold to the right hon. Baronet during the discussions upon the Arms Bill. In resistance to the police there had been no increase—a circumstance which would indicate that there was no systematic opposition to the law, but on the contrary, a decrease, for instead of 101 cases in 1842, there were not more than 61 in 1845. In robberies there had been a diminution from 335 in 1842, to 228 in 1845. Cattle stealing had also diminished. As to the sending of threatening letters, as had been justly observed, many of them might have been forged; they might at all events have proceeded from one or two persons only; and therefore they were not to be considered indicative of a wide-spread conspiracy against life and property. All these crimes too, let the House remark, were referable to a particular state of society. If each of them were taken in their individual character, and compared with the crimes perpetrated in this country, they would be found distinguished not by greater heinousness, but by being connected with the general feeling of the population. He agreed with his hon. Friend in reprobation of those crimes, and that they indicated a general departure from the chivalry of the Irish character; but he might point to English crimes quite as derogatory to the principles of English manliness and justice. The real evil of Ireland was the connivance and the sympathy of the population at large with the commission of crime. The first concern that should suggest itself to those who had to deal with such a state of things should, therefore, be the general tone of the country; and the great consideration, how to produce that state of moral feeling and sympathy with the laws, as would make it the policy of the people to prevent the crimes which now they were advocating. Such was the case in England and in all well-ordered communities; and the question was, why did not the same feeling prevail in Ireland? After all, this was the real question. But he saw no attempt on the part either of the Government or the Legislature to consider that question. Ireland had a right to demand from both that it should be entered upon. It was not alone the Coercion Bill that the House of Commons had to deal with. Again and again had Coercion Bills been proposed, accompanied with Committee after Committee, which had made inquiry into the causes of crime in Ireland. But what had been the result? Why, that as soon as the Coercion Bill had been passed, the reports of the Committees remained inoperative and useless. It was not only from the tenure of land that predial disturbances had arisen, for the right hon. Baronet must have in his recollection the numerous

cases of outrage resulting from the opposition to tithe. Mr. Grattan had told them the Irish House of Commons had said the same. Coercion Bills had then been imposed, and outrages had been diminished by them; but it was then said until the law itself was altered, and the causes of outrage removed, they could not operate upon the peace of the country. So it would be in the present case. If injustice were not done by the state of property in Ireland. and if the interests of her people were properly considered, they would not be inclined to those acts of resistance to the law—acts which were not consonant to the human mind unless provoked. There had, indeed, been a complete dislocation of property in Ireland: first by the original plantations from England; again by the change of religion; again by the invasion of Cromwell; and, more than all, by the encouragement given to a particular class by the penal laws. It was the penal code that first separated the lower classes from the higher; it was the spirit of ascendancy, which, while it favoured the rich and crushed the poor, induced the absentee proprietors to underlet their land to middlemen. Nor was this the only evil which the laws and institutions of this country produced. The commerce of Ireland for a long series of years was suppressed; the agricultural population were deprived of redress; the middlemen were obliged in many instances to surrender their holdings; and then the landlords found their estates peopled with paupers. There was no justification of which he knew for all this. The landlord had certainly no right to use his power contrary to the laws of humanity; but it was the Government of this country which had placed the landlords in that position. He said, therefore, that the Government and the Legislature of this country, instead of giving the Coercion Bill as a remedy for those evils, were bound to go further, and look to the evils which they themselves had produced. The right hon. Baronet had stated that he was willing to consider this subject; but how was it that they had not as yet seen any of these beneficial measures? How was it that after all the right hon. Baronet's experience, they were still going back again to the old principle of coercion? Was there nothing to be done for Ireland? Would they state before Europe that there was nothing to be done to improve the state of that country? Would they wish to be judged in the face of Europe by their conduct towards Ireland. It was useless to say that the landlords could remedy the evils of the country. He was quite aware that much might be done by private exertion, and that much had been done in some particular instances. But what was effected in this way were but exemptions and exceptions to the general rule, and while individuals were bound to do much, the Government were bound to do much more. He thought they should feel that they owed Ireland an atonement—that they owed her a retribution for their past neglect and injustice. When they spoke of a union between the two countries, it was necessary that there should be parity of circumstances and sympathy between them. Was there nothing that the Government, nothing that the Legislature could do to bring that unity about? What were the inducements held out to the Irish Members to consent to the Irish Poor Law? Why, that contemporaneous with the introduction of that measure every possible means should be taken for the development of the enterprise and of the industry of the country by the encouragement of public works in Ireland. Was that done? He knew something had been attempted in that way; but it was undeserving, almost, of notice. The poverty of the people was not diminished. The Irish labourer only earned 2*s*. 6*d*. a week, while the English labourer was paid 10*s*. a week. There was even a similar difference between separate parts of Ireland. While in one part of the country the labourer could earn only 8*d*. or 6*d*., or 4*d*. a day, in another portion of it he got 1*s*. a day and more; and this arose from the want of free communication throughout the country. The people had no resource save in the cultivation of the soil, and they were thus obliged to obtain poosession of land at any price. He denied that the present Bill could, under these circumstances, be of any use in remedying the condition of the country. Even if coercion were good, he should object to this measure, because it would fail to meet the very grounds which it was intended to reach. It would not meet the commission of crimes by strangers, nor the transmission of threatening notices by post. But still more he objected to it, because it would throw the onus of proof on the suspected party, and not on the person who suspects. What effect would this have on the minds of the peasantry, when they saw that they were no longer treated with equal justice, and that the law was no longer to be equally admi-

nistered to them, at the hands of twelve unprejudiced men, in a well-regulated tribunal. He trusted the right hon. Baronet was at length convinced that they were come to a period when Bills like this would no longer be found sufficient for the state of Ireland. He did not think that the opposition which had been offered to this measure could with truth be attributed to the spirit of party, or that it arose from any feeling save an honest anxiety on the part of Irish Members to declare their strong convictions before the community on the manner in which their country had been treated. On the one hand, the Government proposed giving power and encouragement to the industry of England, while, with regard to Ireland, they were taking away all opportunity of exercising industry, or of developing the resources of the country. The Irish representatives had stated their grievances, they had suggested their remedies; but nothing was proposed to them on the other side. Every stranger who visited Ireland—no matter from what country he came—pointed her out as an exception to all the other countries of Europe, and signalized her as the most miserable, as the most neglected, and as the most wretched country in the world. It would appear as if a curse were supposed to hang over the people, and that, with all the advantages that nature could bestow, and that were necessary to place their country in juxtaposition with the greatest nations of the earth, they were to be left behind all in poverty and neglect. He knew of nothing which could raise the fame of a Minister more than a great and successful effort to elevate such a country as Ireland from the state in which she had been kept for centuries, to her legitimate position among the nations.

COLONEL CONOLLY said, that he had been instructed by the constituents of Donegal to support this measure as necessary to the security of the country, and to the suppression of the most atrocious crimes that ever degraded any country. He could not suppress his surprise at the conduct of hon. Gentlemen opposite, who admitted and deplored the cause, but refused to support this measure. His course was an easy one; he had been called upon by the county which he represented to support it, and he responded joyfully to that call. The outrages in Ireland were attributed to a variety of grounds of dispute between landlords and tenants; but no magistrate could sit upon the bench without perceiving that there was a third power which interposed and irritated all those causes of discord, trivial in themselves. He could assure the House that the subject had very little liberty in Ireland; all independence of action was subdued by the control of agitation; publicans declared that they could not sell their liquor; and so all other persons in the ordinary trades of life, unless they succumbed to the dictation of agitators throughout the country had no chance of success. Under such circumstances, it became necessary for the Government to put a check upon this system of intimidation and unwarrantable interference. He would mention one case which occurred in the county of Cavan. There had been a sale of estate under an order of the Court of Chancery, and every means had been adopted to prevent the purchaser from taking possession; all the neighbouring peasantry had been threatened and intimidated from affording him any assistance; and this agitation had been excited against an honest purchaser because he had been the foreman of a jury in another part of the country. An hon. Member had derided the idea of alarm at threatening letters; but the hon. Member forgot that in Ireland those threatening letters were always followed with some outrage or annoyance. He agreed with the Mover of the Amendment, however, that this measure did not go to the root of the evil; and no measure ever would go to the root of the evil whilst they tolerated that seditious assembly in Dublin, which excited all the discord and turbulence that prevailed in Ireland. There was no subject of discord in the country which they did not take advantage of to fan into violence. After the late election for the county of Mayo, the ears of two persons had been nearly sawed off, their only crime being that they had voted according to their consciences. This was more properly called a Protection than a Coercion Bill; and he should have thought the Government highly criminal if they had not brought in some such measure for the security of the peaceable and innocent. The Bill need not be carried into execution, unless the circumstances of the country required it; and his experience of Lords Lieutenant had satisfied him that they were slow to put in force extraordinary powers of this sort, and that a mild and just discretion would regulate the administration of this measure.

MR. RICH said, that all Irishmen were

anxious to put down the violence that took place in their country; and, in so far, they had but one common object. They differed, however, in respect to the means of effecting that object. He was afraid the Bill before the House would, if it were passed into a law, give rise to that disgusting tyranny heretofore practised in Ireland, which, under the title of a vindication of the law, was a disgrace to the administration of justice. The right hon. Baronet at the head of the Government had not, in his opinion, made a candid reply to the statements of the hon. Member for Lambeth. They had in this country a law which declared that a death caused in a duel was "murder;" but did society so regard it, or was the murderer in a duel shunned or abhorred? In Ireland, a man in the open day committed murder. He did that, not in obedience to the laws of honour, but in a cause which was dear to him as life, or rather it was life itself—it was murder to maintain the peasant's tenure of land. In both cases, the evil state of society was the result of laws—of bad laws—of laws not applicable to the condition of the people. He was not the palliator of the terrible crimes committed in Ireland; but he bid them examine the cause, and the inducement to them, and seek to remove both. The murders of Ireland originated in a sort of savage judicial proceeding, and thus attracted a sympathy in their favour which did not properly belong to them. The right hon. Baronet had referred to the circumstances of the murder of Mr. Lynch; but he had forgotten to state to the House the peculiar circumstances which led to the murder. Mr. Lynch had served ejectments on nineteen families, and this led to that state of exasperation which resulted in his murder. The right hon. Baronet had referred to the tranquillity which had followed on former Coercion Bills; but the tranquillity which prevailed under the late Government arose from the course of good works, and the deference to national prejudices exhibited by that Government. The right hon. Baronet had referred to the case of Lord George Hill as an illustration of the blessings diffused by an improving landlord, and he told the Irish landlords to go and do likewise. He would read the right hon. Baronet his own lesson, and tell him to follow the example of his predecessors in the government of the country, and peace and tranquillity would be insured. The Bill before the House did not touch the root of the evil; it only touched the outward symptoms of the disease. The right hon. Baronet said, "Wait until I produce other measures;" but those waitings had been too long, and no confidence was, therefore, reposed in those promises. The Bill would have been more efficient had it been preceded by kind and judicious measures. The proper course for Government to take was, to address themselves to the eradication of that destitution which almost universally prevailed. The tenure of land ought to become the subject of legislation. Land was the support of existence in Ireland; and no wonder the Irish cottier should cling with desperation to this only means of subsistence. But the landlord would insist on ejectments at the point of the bayonet. Disease and destitution arose, and murder followed. Proclamations from the Castle were then sent forth, and Government Assassination and Coercion Bills ensued. He had no wish to indulge in recrimination; he thought there were faults on both sides; but he confessed he was unable to reflect with calmness on those wholesale clearances that had taken place. It was impossible, considering the meshes in which so many interests were involved, to escape from our difficulties, unless self-sacrifices were made. Let every proper man come forward, and make sacrifices at this proper moment, and then some hope might be entertained of seeing Ireland tranquil and contented. Let them in the true spirit of charity endeavour to do all the good they could to Ireland. The predecessors of the present Government had given relief where it was most wanted—to the aged, the infirm, and the destitute. Let the present Government transfer the best parts of the English Poor Law to Ireland, and take care of those who were in want of house and refuge. By that method, and not by acts of severity, they would tranquillize the minds of the people, and remove the temptation to acts of outrage and violence. When they had given the people security for their lives against destitution and want, they might then improve the law of landlord and tenant. If they would begin at the right end, they would first coerce the coercers—coerce the ejectors, and then they might coerce the ejected. They should protect the poor in the enjoyment of those claims established by long usage, if they were not rights conferred by law, where persons had been suffered to become squatters upon land upon which they had not the means of acquiring a pecuniary title—let them protect those

poor people against the oppression of their superiors. He opposed the Bill on its first reading, because it was a paramount duty to show the Irish people that there was a strong party in that House, not of Irish Members only, but also of English Members, who would maintain the rights of the Irish people as earnestly as they would assert those of the people of England.

Debate adjourned till Thursday.

POLLING PLACES (IRELAND).

The Report on the Polling Places (Ireland) Bill, having been brought up,

On the Question that the Amendments made by the Committee be read a second time,

MR. GREGORY observed that the Bill in question was brought in for a specific purpose, and with reference to a specific constituency. The object, or, to make use of a milder phrase, the result of the Bill would be to deprive the honest constituency of Dublin of its representation, and to hand over that representation to whatever party might be the least scrupulous in the employment of fraud and personation. He called upon hon. Gentlemen to prevent an attempt of this kind, which would lead to the commission of the crime of perjury. He should conclude by moving that the Report be taken into consideration that day six months.

MR. CALEB POWELL said, he had listened with great attention to the hon. Member, and he must confess that if he had any doubt before of the necessity of the measure, the speech of the hon. Member would have convinced him. He thought the only effect of the proposed measure would be to enable the honest voter to exercise his franchise; but at present the law had the effect of disfranchising dozens of persons of particular names—for instance, the O's and Mac's—the ancient Milesians, who were perhaps the best entitled to the franchise.

MR. W. SMITH O'BRIEN could scarcely believe the Government would lend him itself to a proceeding such as that suggested by the hon. Member for Dublin. He scarcely believed that the independent English Members, who professed to act sometimes without reference to party, would lend themselves to such proceedings, when it was recollected that under the present system there were numbers of persons to whom no opportunity was given of polling within the prescribed time. To give time for consideration he would move that the debate be adjourned.

Debate adjourned.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, April 28, 1846.

MINUTES.] *Sat first.* Earl Granville, after the Death of his Father.

PUBLIC BILLS.—2ª. Railway Companies Dissolution; Commons Inclosure.

PETITIONS PRESENTED. By Lord Ashburton, and several other Noble Lords, from several Charitable Institutions, against the Charitable Trusts Bill.—By the Marquess of Anglesey and Lord Redesdale, from Parochial Authorities of St. George's in the East, and St. George the Martyr, Southwark, for the Better Observance of the Sabbath.—From Guardians of the Castlebar Union, for the Better Regulation and more Efficient Support of Medical Charities (Ireland).—By the Earl of St. Germans, from Goldsworthy Gurney, proposing a Mode of Ventilation for the New Houses of Parliament, and praying Leave to Explain and Prove the same.—By the Earl of Falmouth, from Clergy of Kirrien, against the proposed Union of St. Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester,—By Lord Brougham, from Incorporated Trades of Leith, praying that Provision may be made in the Burghs (Scotland) Bill to Relieve them from the Burdens of the Church and Minister of South Leith, which attach to them in respect of the Exclusive Privileges sought to be Abolished.

RAILWAY BILLS.

EARL FITZWILLIAM said, that as they were about to give a second reading to a Bill to enable certain railway companies to dissolve, he wished them to consider in what situation Parliament was placed. When the parties ought to be in a condition to pass the Bills, the House were about to pass a measure enabling the companies to dissolve themselves. These Bills had only got into the House on the presumption that the parties were desirous of carrying out their plans, and now, at the last moment, the companies were to be enabled to dissolve themselves. He approved of this course, as it would check that mania for railway speculation from which he was afraid persons in the highest ranks were not entirely free; and which was not only utterly disgraceful to those engaged in it, but was also most mischievous to the country at large. He was desirous of then bringing before their Lordships in a practical shape one part of the subject which it was desirable to consider. They were aware of the immense extent of this speculation, of the capital which would be required to carry these measures into effect, of the pressure which this demand for money would make upon the money-market, and of the effect which the abstraction of so much money from the capital of the country would have on the commerce and

best interests of the country. The Motion he would make was for a return of the total sums of the estimates for railways for which petitions for Bills had been presented during the present Session, distinguishing the estimates for Bills withdrawn or rejected, and the estimates for those depending in either House of Parliament. He would desire that their Lordships should revise their whole conduct with regard to these measures. They were called Private Bills, but it was an absurdity so to call them and to deal with them as such; they ought to be dealt with as public measures, which should be considered together as the foundation for the system of communication for the whole country. Ten years ago he had proposed to the Government then in office, with whom he was intimately connected, to establish a general board to make a general survey of the country for the establishment of railways. That proposition was not adopted. It was then said to be too late, though very few Bills had been passed; and he knew it would be now said to be much too late, and that if they this Session swamped one-half of the Bills, they would hear of no more Railway Bills in future Sessions. He differed from those who were of that opinion. The abominable gambling they had witnessed proved that large profits had been realized by those embarked in these undertakings, which had been profitable because they were monopolies. The communication between the metropolis and the north was at that moment a monopoly; so, he apprehended, was the Great Western: that the Midland Railway was a monopoly there could be no doubt. They were monopolies which he trusted would not long exist; and till the country was saturated with these railway communications, as it had hitherto been with turnpike roads, there would be great profits derived from those who speculated in them; and those who apprehended that when Parliament had knocked on the head a large portion of the schemes at present before them there would be no further progress in railway legislation, were greatly mistaken. That there ought to be a Railway Department of the State to determine the important points of the country which ought to be connected, he had not the slightest doubt; and there was even now time to establish such a department. With respect to the effect on the money market, in former times, if the Chancellor of the Exchequer wished to raise, for carrying on a war, a loan of 25,000,000*l.* or 30,000,000*l.*, it was considered a large tax upon the money market; but here there was a demand for 100,000,000*l.* of money. His opinion was, that out of the number of Bills now before Parliament a selection should be made, and that there should be an authoritative *dictum* that Parliament would not sanction schemes requiring more than a certain amount of money. He thought, if they now sanctioned schemes to the extent of 30,000,000*l.*, that would be as much as they ought to do, considering the monetary interests of the country. The noble Earl concluded by moving for the returns.

The Duke of CLEVELAND agreed with the noble Earl (Earl Fitzwilliam) upon the necessity for some department of the State dealing authoritatively with the railway projects; and he had no hesitation in avowing his opinion, that the Bill proposed by the Government ought to be passed, for the relief of persons who had been hurried, either by recklessness or folly, into difficulties by these schemes. But he contended, they were not to relieve what was a permanent evil by a temporary remedy. The system of legislation upon railways ought to be altered altogether, for it was totally rotten. He must be permitted to say, that he had the very worst opinion of the directors of the generality of the railway schemes which had recently appeared. Some of them might be honourable men; but many were directly the reverse, having been guilty of the worst sort of conduct for their gain. The system which had been pursued through their instrumentality required an alteration in our legislation; it was not too late to amend it, and he saw no reason why there should not be a Government Department, or a Board of Works, who should have all projected railway schemes before them, and report upon the best.

Lord MONTEAGLE said, it was his intention to call for some further information bearing on this subject. If only a list of Bills was given, that by no means would inform their Lordships of the vast amount of mischief which had been done. There had been a great deal of mischief done by a gambling spirit, in many cases where no Bills had been presented to Parliament. It was in the inchoate state of many lines that the most gambling had taken place. He wished therefore to obtain not only the Papers which his noble Friend moved for, but all the notices for Bills inserted in the *Gazette;* of all Bills

deposited in the Private Bill Office; the amount of capital which the parties proposed to raise in order to execute their works; the amount they proposed to borrow, in addition; and then—that which was the most important question of all—the number of shares issued to raise the capital. So long as the law permitted the prosecution of these schemes by means of 10*l.* shares, a system of gambling would be fostered and encouraged. That was the root of the evil. He also believed that these railway measures would never stand upon a right footing until there was some authority representing the public to revise and examine them; and their Lordships must not be deterred from considering the subject by the failure of the Board of Trade last year. The principle upon which that Board proceeded was right. They had been too much afraid of the impulse which they might give to certain schemes. The precaution and mystery of their proceedings were the great cause of the jealousy with which they were regarded; but all feeling of that sort would have been avoided had they been open to the public. He hoped, therefore, that a public Board would be appointed for the consideration of all railway schemes, which he concurred with the noble Earl in thinking was not even yet too late.

LORD CAMPBELL said, there was no doubt that it would be found indispensably necessary to have a Railway Department within the Government. The functions of the Railway Department of the Board of Trade had never been defined. It had been established merely on a Resolution of one House of Parliament—not even on a Resolution of their Lordships' House, but simply by a Resolution of the House of Commons alone. A Board so constituted could not work well; but if an Act of Parliament were brought in, defining its functions, and giving it determinate powers, he had no doubt that its operation would be highly satisfactory to the community. He would not give a Board even so constituted a power of finally deciding on these Bills. He would not take that power from the Houses of Parliament, but he would give the Board a power to hear both sides of the question, which they did not enjoy before.

The DUKE of WELLINGTON begged to remind their Lordships that the Railway Board was appointed in consequence of the proceedings of a Committee of the House of Commons, and that its powers were limited by the limits fixed in the Report of that Committee. It was a measure imposed on the Government, with regard to certain private transactions which came before Parliament, in order that they might receive the powers necessary to enable them to carry these transactions into execution. That was the fact. The noble and learned Lord might be right in stating that the Board of Trade acted according to its instructions, but the Board was confined in these instructions, and possibly Parliament might have been wrong in not giving sufficient powers to it.

LORD BROUGHAM said, he had often taken part in the discussions on this subject, and he could confirm what his noble Friend who had just sat down had said. The Government could take no other course but to conform to the recommendations of Parliament. The former Board had been exceedingly crippled in its powers, but it was clear that there should be a Board established having more extended authority and usefulness. If there was anything for which, more than any other, he envied their neighbours on the other side of the Channel, it was the institution of the department of the *Ponts et Chaussées*. If they had such a Board as that referred to in this country, they would have the advantage of having consistent decisions, of having economical decisions, and, above all, of having right and just decisions.

LORD ASHBURTON said, he was most happy to find that the necessity, in fact the extreme pressure of this subject, was forcing itself on their Lordships' consideration; and he trusted the same view of the matter would be taken in the other House of Parliament, and that before long some Committee would be appointed in order to report on the proper course to be taken with regard to the formation of the proposed Board. It would be impossible to go on much longer without such a Board; but the difficulty on which they had to decide was, that these matters pressed upon them so strongly that they could not wait for an alteration in the general system. That general system would be only applicable at some future time, and would not reach those cases which should be decided in the present year. After the people had opened their eyes to their own interests under the Bill now pending before their Lordships, and after the number of Railway Bills had been reduced to the lowest level, they would still have to consider how far the remaining schemes ought to be allowed to proceed in the present Session.

The EARL of DALHOUSIE said, their Lordships would not expect him to express any opinion at present respecting the proposed Board; but he was desirous to call their Lordships' recollection to the fact, that his noble Friends about him were not responsible for the absence of any control over railway matters by any branch of the Executive Government. During the first Session after Her Majesty's present Ministers had acquired power, there was no appearance of railway legislation. In the succeeding Session, when a number of Railway Bills were brought forward, Her Majesty's Government at once took the subject into their consideration, and the very next day a Committee was moved for by the then President of the Board of Trade. Before that Committee the entire subject had been most minutely gone into; and in the Report which had been presented from it, the whole question was fully and elaborately discussed, and the most efficacious mode of dealing with Bills when passing through Parliament, as well as of superintending the works afterwards, was dwelt upon. It was then recommended that a department of the Executive Government should be entrusted with a certain control over Bills before they came before Parliament, and it was subsequently decided that that department should be a particular branch of the Board of Trade. He should beg to remind their Lordships, that so far from there being an anxiety on the part of the two Houses of Parliament to extend the authority of the Executive Government to these matters, on the contrary there was an extreme jealously displayed, not only in the House of Commons, but by their Lordships, against anything like an assumption of power by the Executive Government. In order to meet the views of Parliament, the Committee accordingly laid down the exact points on which the Board of Trade was to enter, and those on which they were not to decide. They were told how much they were to decide, and that they were to go no farther. He (the Earl of Dalhousie) had the honour of being entrusted with this department under the Board of Trade; but their Lordships would excuse him from entering into the reasons why they had failed. He might, however, be permitted to say, that if they had not gone farther than the powers entrusted to them, they had been influenced by a zealous desire to discharge their duties efficiently; and, leaving himself out of the question, he would say of the gentlemen with whom he had acted, that it was impossible any duties could have been discharged with greater ability than were the duties entrusted to those gentlemen. Men of more perfect integrity and more untiring industry could not be found; but their Lordships should recollect, if they had attempted to exceed the course laid down for them, what their fate would be, more especially from the other House of Parliament. The powers given to that Board were far too narrow to be of great utility; but in the mean time he should submit that the Government were not to be blamed for not having gone further, The matter was not now entirely neglected. A Committee of their Lordships' House was sitting on Railways, and another Committee, on a still wider scale, had been appointed by the other House of Parliament. He trusted that the labours of these Committees would be of a more practical form than they had hitherto arrived at. As to the returns moved for by the noble Earl, there could be no objection to them; but he agreed in thinking that there would be a difficulty in getting them in the precise terms required.

LORD WHARNCLIFFE said, there could be no doubt that the powers of the Board over which his noble Friend presided had been strictly limited, and there was no doubt, too, but that they had gone to the extreme verge of those powers. It was even said, in some quarters, that they had overstepped the limits to which it had been originally intended to confine them. He believed the original intention of the House of Commons was, that the Board should report to Parliament, not their opinion on the merits of these schemes, but simply a detail of the facts submitted to them; and some dissatisfaction was expressed that they had not confined themselves to this limit. He agreed in what had been said as to the growing conviction that was abroad as to the necessity of some organization for controlling this portion of the public business; but there were points of extreme difficulty in the way of such a Board as that which had been suggested. One of the first to be got rid of was, the jurisdiction of Parliament. They could not interfere with that jurisdiction without meeting serious opposition; and if they constituted a Board merely for the purpose of collecting details, he feared they would do but little in the way of remedying the evil which they had to meet.

Returns ordered.

MESSAGE FROM THE QUEEN — PENSIONS TO VISCOUNT HARDINGE AND LORD GOUGH.

The EARL of RIPON delivered Two Messages from Her Majesty, which were read by the LORD CHANCELLOR as follow:—

"VICTORIA, R.

"Her Majesty taking into Consideration the great and brilliant Services performed by Henry Viscount Hardinge, a Lieutenant General in Her Majesty's Army, and the Governor General of India, in the course of the recent Hostilities which have taken place on the Banks of the Sutlej and in the Punjaub; and being desirous to confer some signal Mark of Her Favour, for these and other distinguished Merits, upon the said Henry Viscount Hardinge, and the Two next surviving Heirs Male of the Body of the said Henry Viscount Hardinge, recommends to the House of Lords to concur in such Measures as may be necessary for the Accomplishment of this Purpose."

"VICTORIA, R.

"Her Majesty taking into Consideration the important Services rendered by Hugh Lord Gough, a Lieutenant General in Her Majesty's Army, and Commander in Chief of Her Majesty's and the East India Company's Forces in India, in the course of the recent Hostilities which have taken place on the Banks of the Sutlej and in the Punjaub; and being desirous to confer some signal Mark of Her Favour, for these and other distinguished Merits, upon the said Hugh Lord Gough, and the Two next surviving Heirs Male of the Body of the said Hugh Lord Gough, recommends to the House of Lords to concur in such Measures as may be necessary for the Accomplishment of this Purpose."

To be considered on Tuesday next.

RAILWAY COMPANIES' DISSOLUTION BILL.

The EARL of DALHOUSIE moved the Second Reading of the Bill for facilitating the Dissolution of certain Railway Companies. He proposed an alteration in one of the clauses of the Bill regulating the scale of voting, it having been found that the adoption of a scale, as in the Joint Stock Companies Act, would disturb the proportion which was required, and would put those who had a large number of shares at a great disadvantage as compared with those who held a smaller number of shares. The alteration proposed would give a vote to every share.

LORD CAMPBELL did not intend to offer any opposition to the second reading; but he begged, before going into Committee, to draw the attention of the noble Earl to the 17th Clause, which seemed to give a very arbitrary power to the chairman of a railway committee, a power which was very likely to be abused. It was provided in this clause that the chairman should sign the minutes of proceedings; that these should be inserted in the *London Gazette;* and that that insertion should be held as conclusive proof of everything stated in the minutes being strictly and literally true. Now, it might happen that a majority of shareholders having decided against a railway in which the chairman of the committee to which the project was submitted was interested, the minutes might be worded to represent the reverse as the fact; these might be signed, and appear in the *Gazette.* It might also happen that a chairman of committee, desirous to wind up a company under the Law of Bankruptcy, instead of under the Joint Stock Act, would sign minutes to the effect that such was the wish of the majority of the shareholders; and in either of these cases there was no redress, no appeal. It certainly was stated that any person who knowingly inserted that which was false in the *Gazette* should be liable to punishment; but still, a speculator, to gain his end, might run the risk of a few weeks' imprisonment in Newgate; and even should he be punished, the injured shareholders would obtain no redress. Some tribunal should be appointed to examine and to certify to the correctness of the minutes before their publication in the *Gazette,* and the decision might then safely be held as conclusive; but as the Bill at present stood, they gave most arbitrary power, and they were opening the door to what, as it might prove, was gross oppression and injustice.

LORD WHARNCLIFFE was understood to inquire whether the Bill contained any limitation as to the time of its operation. In reference to the 19th Clause, by which it was provided that Parliament should require from the parties promoting these Bills a return of the number of shares that had been issued, he thought that it would be extremely difficult to comply with that requirement. The governing body, in these cases, was presumed to issue the whole amount of the shares; but it was notorious that, in many cases, they had not done so; and he believed there were no means of ascertaining, in most of these cases, to what extent the shares had been issued.

The EARL of DALHOUSIE thought it

quite right to state, in respect to the observation of his noble Friend who had just sat down, that the Bill, as it stood at present, contained no limitation of its operation in respect of time. Upon consideration, it had appeared that it would perhaps be better, upon the whole, to limit its operation to two years, to be then renewed, if it should be found at that time to have answered the expectations that were now entertained of it. The other point to which his noble Friend had alluded, the registration of the shares that had been issued, would unquestionably be desirable, if it could be carried into effect. The intention of the Joint Stock Companies Act, passed two years ago, was to secure for the public, as much as possible, a full knowledge of the concerns of any company which was in the act of associating itself for joint-stock purposes, and to require the directors to give as much publicity as possible to all their acts and intentions. The provisional registration consequently required certain particulars to be specified; and he thought the number of shares proposed to be issued was one of the matters that required to be stated. But to acquire an accurate knowledge of how many shares were actually issued at a given time, was exceedingly difficult. In respect to the Bills coming before Parliament, the Standing Orders ensured that Parliament should have an accurate knowledge of the number of shares issued, inasmuch as they required that three-fourths of the intended stock of the company should be subscribed and signed for. Even under that regulation, he doubted that much trickery was practised, and that the contract was sometimes signed by persons who were not actually beneficially interested in the holding of shares. The points raised by the noble and learned Lord opposite (Lord Campbell), and the suggestions made by him, were worthy of the best consideration which could be given to them. Considering that the meetings proposed to be held would be open to the greatest publicity, and that their proceedings would be subject to the closest scrutiny by the parties interested, it seemed hardly probable that any chairman would run the risk, contemplated by his noble and learned Friend, of actually falsifying the minutes which he caused to be inserted in the *Gazette*. At the same time, every precaution that could be taken ought to be taken; and before the Bill went into Committee he (Lord Dalhousie) would endeavour to see if some of those versed in matters of this kind could not provide a remedy for the evil of the noble and learned Lord suggested.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Tuesday, April 28, 1846.

MINUTES.] NEW MEMBER SWORN. For Bridport, John Romilly, Esq.

PUBLIC BILLS.—1°. Railway Companies.

Reported. Exchequer Bills (£18,380,200).

PETITIONS PRESENTED. By Sir John M'Taggart, from Presbytery of Stranraer, and by Mr. Robert Scott, from Stourbridge, for the Better Observance of the Lord's Day.

VISCOUNT HARDINGE.

MR. SPEAKER read to the House the following Message, which was brought into the House by Sir ROBERT PEEL:—

"VICTORIA R.

"Her Majesty, taking into consideration the great and brilliant services performed by Henry Viscount Hardinge, a Lieutenant General in Her Majesty's Army, and the Governor General of India, in the course of the recent hostilities which have taken place on the Banks of the Sutlej, and in the Punjaub, and being desirous to confer some signal mark of Her favour, for these and other distinguished merits, upon the said Henry Viscount Hardinge, and the two next surviving heirs male of the body of the Henry Viscount Hardinge, recommends to Her faithful Commons the adoption of such measures as may be necessary for the accomplishment of this purpose. "V. R."

LORD GOUGH.

"VICTORIA R.

"Her Majesty, taking into consideration the important services rendered by Hugh Lord Gough, a Lieutenant General in Her Majesty's Army, and Commander in Chief of Her Majesty's and the East India Company's Forces in India, in the course of the recent hostilities which have taken place on the Banks of the Sutlej, and in the Punjaub, and being desirous to confer some signal mark of Her favour, for these and other distinguished merits, upon the said Hugh Lord Gough, and the two next surviving heirs male of the body of the said Hugh Lord Gough, recommends to Her faithful Commons the adoption of such measures as may be necessary for the accomplishment of this purpose. "V. R."

Her Majesty's Messages to be taken into consideration on Monday.

MR. W. S. O'BRIEN—REFUSAL TO SERVE ON A COMMITTEE.

MR. HENLEY reported from the Select Committee on Group 11 of Railway Bills—

"That the Committee met this day at one o'clock, pursuant to the adjournment of yesterday, and that William Smith O'Brien, esquire, one of the Members of the Committee, did not attend the Committee this day within one hour of the time appointed for the meeting of the Committee."

The Order of the House of the day before (April 27) for the attendance of Mr. W. Smith O'Brien on the Committee this day was read.

Mr. SPEAKER: Is Mr. William Smith O'Brien in his place?

Mr. W. S. O'BRIEN: I presume, Sir, your object in calling upon me is to give me an opportunity of offering an explanation of my conduct. I feel extremely obliged to you and to the House for affording me such an opportunity; but, having already stated my views and intentions, fully and finally in the correspondence which passed between me and the Chairman of the Committee of Selection, I do not think it necessary to add anything to the matter contained in those letters, nor am I desirous of withdrawing anything in that correspondence. [Mr. O'Brien *bowed to the Speaker, and left the House.*]

Mr. ESTCOURT said, that, in consequence of the Report which had been presented to the House, it became his duty, as Chairman of the Committee of Selection, to make a few observations on the subject, and to state the grounds upon which he should ask the House to support the Motion he should have to submit to them. He could assure the House that, considering all the circumstances, and the nature of the Motion with which he would have to conclude, this was the most painful duty he had ever had to perform; and he thought the House would consider he was justified in making that statement when he told them that, having held the office of Chairman of the Committee of Selection ever since it was established, this was the first occasion on which he had been called upon to perform such a duty as it now became his lot to discharge. He considered that he should best consult the wishes and convenience of the House by giving them a plain and simple narrative of the events which rendered it necessary for him to address them that night. On the 12th of February last the House adopted certain Resolutions, directing the Committee of Selection to form certain Committees for the purpose of inquiring into the merits of Railway Bills, which, in consequence of the great pressure of that species of business, were to be divided into groups. The House, in the very difficult circumstances in which they were placed, found it necesary not only to separate those Bills into groups, but also to form a peculiar description of Committees, to whom the several groups should be referred. Each such Committee consisted of five Members appointed by the Committee of Selection; and on those five Members, and those only, was conferred the duty of inquiring respecting the Railway Bills comprised within the group with respect to which they constituted the Committee. The House, though well aware that the duty to be performed by the hon. Members so appointed, would be peculiarly heavy and onerous, deemed it of such importance to the public as to require that the Members constituting those Committees should be compelled, under a Resolution of the House, to give their constant attendance to the inquiry intrusted to them. By another Resolution the Committee of Selection were required to give ample notice to the Gentlemen chosen to constitute the Committees on the groups, of their having been so chosen, and also a notice, of not less than fourteen days, of the week in which it would be necessary for them to be in attendance. On the 27th of March the Committee of Selection proceeded to the performance of their duty, and considered that it would be expedient for them to form what was called panels of such Members as, under the Resolutions of the 12th of February, they might require to be in attendance immediately after the Easter recess. This was done in order that the Committees on Railway Bills might commence sitting at as early a period as possible after the recess, and that at the same time the several Members might have ample notice of their required attendance. Moreover, it was considered by the Committee of Selection that it would be highly convenient that those Members who might probably be called on to serve on those Committees should have notice before the Easter recess, in order that they might so shape their arrangements as to be enabled to give their attendance on the Committees with as little inconvenience to themselves as possible. Among the Members so selected the hon. Member for Limerick county (Mr. W. S. O'Brien) was one; and on the panel being formed the hon. Member received, as well as all the other Members upon it, a notice of the intention of the Committee of Selection to call on him to give his attendance in

the week beginning on Monday, the 27th of April, for the purpose of serving, if required, on a Railway Bill Committee. The hon. Member, as soon as he received that notice, viz., on the 3rd of April, he (Mr. Estcourt) believed, addressed a letter to him, as Chairman of the Committee of Selection, and in that letter the hon. Member enclosed a copy of another letter, which the hon. Member had addressed to him last year, when a similar summons was served on him; the hon. Member's reason for enclosing the copy of that letter to him was that, on referring to it, he might be aware of the motives which induced the hon. Member to decline serving on a Railway Bill Committee. In the hon. Member's letter enclosing a copy of the former one, the hon. Member stated, that "he had not seen any reason, since the letter was written (in June 1845), to change the determination therein expressed." He received that letter on Friday, the 3rd of April, and the first sitting afterwards of the Committee of Selection took place on Monday, the 6th of April. Of course, he could take no step or measure after receiving the letter until he had had an opportunity of submitting its contents to his Colleagues on the Committee of Selection. On the 6th of April, the Committee of Selection met, and he laid before them the letter with the enclosure of the hon. Member, and the Committee of Selection found that the hon. Member objected to serve on any Committees on Private Bills not having reference to Ireland; they also found, on referring to the letter enclosed, reasons for objecting to serve similar to those now repeated by the hon. Member. He could not better put the House in possession of the grounds on which the Committee of Selection came to the determination they adopted, than by reading a short extract from the hon. Member's letter. He apprehended that the House would not imagine that he was unfairly or improperly garbling the contents of the letter by selecting a short extract, because the Report containing the correspondence was printed, and in the hands of hon. Members. He would, therefore, draw the attention of the House to that particular part of the hon. Member's letter which was the foundation on which the Committee of Selection acted upon that occasion. The hon. Member stated in his letter of last year, enclosed in the letter which he received on the 3rd of April, that—

"So long as I continued to believe that I could serve Ireland effectually in the House of Commons, I shrank from none of the labours which are connected with the varied functions of that assembly."

The hon. Member then went on to say, that—

"Desiring that none but the representatives of the Irish nation should legislate for Ireland, we have no wish to intermeddle with the affairs of England or Scotland, except in so far as they may be connected with the interests of Ireland, or with the general policy of the Empire."

And then followed a passage to which he thought it necessary to draw the particular attention of the House:—

"In obedience to this principle I have abstained from voting on English and Scotch questions of a local nature; and the same motive now induces me to decline attendance on Committees on any Private Bills except such as relate to Ireland."

The Committee of Selection, therefore, had it as the expressed opinion of the hon. Member, that is was not consistent with his duty to serve on any Private Bill Committees which did not refer to Ireland; and if they had immediately closed all communication with the hon. Member at that moment, they would have had no means of coming to a decision excepting that afforded by what he had just read to the House. However, the Committee of Selection instructed him to write to the hon. Member, and to state, that in the reasons given by him for declining to serve, they could not recognise such an excuse as would justify them in exempting him from sharing the onerous duties imposed on Members of the House arising out of the consideration of Railway Bills. In his letter to the hon. Member, he made the following statement:—

"I availed myself of the first sitting of the Committee of Selection since the receipt of your letter to submit its contents to them, and I am instructed to inform you, that the Committee cannot, in the reason which you allege for not serving, recognise such 'an excuse' as (in accordance with the spirit of the Resolutions agreed to by the House on the 12th of last February) would justify their 'deeming it sufficient' to exempt you from serving."

And, he added, by the instruction of the Committee of Selection—

"As it appears from your letter that at this particular juncture your time and attention are engrossed by a subject before Parliament of primary importance to Ireland, I am further instructed by the Committee of Selection to state, that adhering to their usual practice of consulting, as far as may be consistent with a faithful and impartial discharge of their duty, the convenience of the several Members whom they may find it incumbent on them to select, it will afford them great satisfaction to avail themselves of this timely communication

with you to make an arrangement by which your attendance may be postponed to a later period, should your convenience be thereby consulted. In the event, however, of their receiving no such communication from you, the Committee of Selection will presume that no accommodation would be afforded to you by such a postponement as I have alluded to, and will consider it their duty to abide by the arrangement which will be announced in the Votes of Wednesday."

That letter he sent to the hon. Member immediately; and the Committee of Selection having separated, no more meetings were held by them before the recess. On the following day, April 7, he received the following courteous letter from the hon. Member:—

"I have had the honour of receiving your obliging letter of yesterday's date, in answer to mine of the 3rd instant. I feel exceedingly indebted for the courtesy and consideration evinced by the Committee of Selection in suggesting the arrangement proposed in your letter; but since my objection to serve upon Committees on English and Scotch Private Bills is founded upon the relations at present subsisting between my country and Great Britain, and not upon a regard for my own personal convenience, I must refer to my former communications as announcing my final determination."

He had no opportunity of laying this letter before the Committee of Selection until after the Easter recess, when he submitted it to them; and it appeared perfectly clear that the hon. Member had closed all further communication by that letter. Nothing, however, passed until the completion of the arrangements made before Easter by the Committee of Selection, and according to which the name of the hon. Member for the county of Limerick was included in the Committee of Group 11. He believed that he had now completed the narrative of the circumstances as they occurred. One of the Resolutions agreed to by the House on the 12th of February (No. 12) was to the following effect:—

"*Resolved*—That each Member of a Committee on a Railway Bill or Bills shall, before he be entitled to attend and vote on such Committee, sign a declaration that his constituents have no local interest, and that he himself has no personal interest for or against any Bill referred to him; and no such Committee shall proceed to business until the whole of the Members thereof shall have signed such declaration."

The hon. Member for the county of Limerick did not sign any such declaration; and, accordingly, none was received by the Committee of Selection from the hon. Member. Another of the Resolutions of the 12th of February directed—

"That if the Committee of Selection shall not within due time receive from each such Member the aforesaid declaration, or an excuse which they shall deem sufficient, they shall report to the House the name of such defaulting Member."

On Friday last the Committee of Selection thought it necessary to present to the House the report from which he had just read some few extracts. Nothing further passed between the hon. Member and the Committee of Selection; but yesterday the Committee on Group 11 was to have met, and he regretted to find that the hon. Member had not taken advantage of the lapse of time which had occurred, to reconsider the determination announced in his letter of April the 7th, and that he had not attended the Committee on that group yesterday. Accordingly, the Chairman of the Committee, the hon. Member for Oxfordshire, reported to the House that the hon. Member for the county of Limerick was absent. Upon that report being made by the hon. Member for Oxfordshire, he felt it his duty to make the Motion that the hon. Member for Limerick county should attend the Committee that day, and that Motion was founded on precedents in the Journals of the House. The next thing that occurred was, that the hon. Member yesterday very candidly put the House in possession of his views and determination; and he need not state what had occurred that day. In consequence, however, of the course pursued by the hon. Member, he was obliged to perform a very painful duty, and to submit a Resolution to the House by which the House might express its opinion with respect to the conduct of the hon. Member, who had not conformed to the Resolutions of the House, by sending such a declaration, duly signed, as was required, and by attending the Committee yesterday, and who had by his absence from the Committee to-day disobeyed the Order of the House. I am very unwilling on any subject (the hon. Member continued) but particularly on a subject of this painful nature, to occupy more than is absolutely necessary the attention of the House; and Gentlemen must be perfectly aware that I am not in the habit of trespassing on their patience. I cannot, however, resist the temptation of taking this opportunity, the only one that has occurred to me, of making a statement with respect to the services rendered by Members of this House on the various Committees for which I have had the honour to select them—whether they be Committees on ordinary

Bills, where their attendance is not compulsory, and from which they might therefore be absent without difficulty, or whether they be those particular Committees to which I have been referring, and which I beg to state are formed only under temporary arrangements to meet a temporary pressure of business, and which are constituted only for this Session, being founded on the Resolutions of the 12th of February last. Whether hon. Gentlemen have been called on to serve on one class of Committees or upon another, I have looked with admiration as well as with gratitude on the way in which they have supported the Committee of Selection by the zealous discharge of their duties, and by their proper attendance on the Committees. I hope hon. Gentlemen are aware, that to us it is a matter of considerable anxiety to intrude as little as possible on their convenience; I must be permitted to repeat that they have displayed most praiseworthy conduct in assuming so readily the duties thus imposed on them, and I am satisfied that the House and the country will feel indebted to them for their services. I cannot sit down without making one more observation. It has been insinuated in one quarter that Gentlemen from the sister kingdom do not perform their duties on these Committees patiently. Now, I beg leave in the most public manner to contradict that insinuation. I have never seen a more cheerful, a more cordial, or a more able discharge of those duties than I have witnessed on the part of hon. Members from Ireland. Therefore I cannot forbear testifying to the zealous discharge of their duties as Members of Committees by the Irish Gentlemen generally, and I consider that in so acting they have behaved with great kindness towards those whose painful duty it has been to select them. Having made these remarks I cannot help adverting to the conduct of the hon. and learned Member for Cork, who most readily undertook the duty on one of these Committees when it was proposed to him. There are others in the House better able, much more clearly than I am, to describe the extraordinary ability with which the hon. and learned Gentleman discharged his duties. It was on the first Railway Committee which sat this Session; and the manner in which the hon. and learned Gentleman discharged his duties forms a precedent for others to look to; and might be referred to by a great many Committees with the greatest advantage to the public. I need not say, then, that the conduct of the hon. and learned Gentleman in this particular reflects great honour on him. It is now my painful duty to conclude with the following Motion:—

"That W. S. O'Brien, Esq., having disobeyed the Order of the House, by refusing to attend the Committee to which the Railway Group No. 11 has been referred, has been guilty of a contempt of this House."

MR. O'CONNELL said, he was sure the House would give him credit for the assertion that he would not rise to advocate the conduct of his hon. Friend the Member for the county of Limerick, if he thought that his hon. Friend had had the slightest intention of offering disrespect to the Speaker or to that House. It was not intentional contempt on his part, if contempt it were at all; but the course he had pursued had been adopted from a strong view of what he conceived to be his duty to his own country. He asked the House to pause before they passed the proposed Resolution. There were two grounds on which he thought there ought to be more consideration. The first question was, how far the Act of Union with Ireland gave a power to the Members of that House to enforce the process of contempt, if he might use the phrase, and of committal, against the representatives of Ireland? There could be no common law jurisdiction in that House for this purpose, and up till 1800 there could not be a question that there was no jurisdiction at all; for both that House and the Parliament of Great Britain, by a Statute passed in 1783, disclaimed any species of interference with the representation of Ireland. The jurisdiction, then, of that House in this matter could not stand on common law, nor upon the Act of Union, because that gave them no jurisdiction. He wished the House to take this view into consideration. As to the Committee of Selection, he was not disposed, never less so than at the present moment, to say anything derogatory of that Committee. Were he rash enough to say anything of that kind, it would at the same time be unfounded. Up to the 12th of February last there were no stringent measures of this House to compel attendance before Committees on Private Bills. It was voluntary on the part of Members to attend, and in many instances still remained so; and now the question was whether by the law and usage of Parliament they could delegate to a Committee the power of making regulations, the neglect of which should be punishable in like

manner as contempt, by placing the party in custody, when the House had not the jurisdiction by common law to compel the attendance of Members? He took it that the House had no such common law power, because by the 6th of Henry VIII. it was enacted that the Members of that House should attend the House. Now, if a common law jurisdiction had existed on this point, the Statute would have been totally unnecessary. It was true that the penalty established by that Statute was inoperative at present, because that penalty was that the Members who did not attend should lose their wages; but that was the foundation of the power of the House to compel attendance of Members on the House, but not on Committees. In this particular case the House appointed a Committee of Selection, who chose particular Members, and directed them to attend on certain Committees. Consequently, the hon. Member for Limerick county was only guilty of a violation of the secondary and subsidiary jurisdiction of the Committee of Selection. He made these observations to the House in order to induce them to pause before they decided on the question whether there had been contempt committed or not; for he felt that it was not the intention of his hon. Friend to be guilty of any contempt—his letter disclaimed that—and the courtesy of his manner and language was admitted. He had merely acted from a mistaken feeling of his duty.

The ATTORNEY GENERAL regretted that the House was called upon to take the course proposed by the hon. Member for Oxford University; but he thought it absolutely necessary that it should come to a decision on this point; and he confessed that he saw no other course open for the House to pursue, under the circumstances in which it was placed by the continued determination of the hon. Member for Limerick county, than to adopt the Resolution proposed by the hon. Member for Oxford University. This question had assumed a much more serious character than when it originally arose; because it was now connected with the important considerations just addressed to the House by the hon. and learned Member (Mr. O'Connell); and the House was not now to consider whether it would interfere with an hon. Member who had refused to obey its Orders, but further, whether there were not a portion of its Members who were beyond its control—who had an independent authority distinct from the power of the House over the other Members—and whether it were not competent to them to refuse obedience to any Orders which compelled their attendance on Committees on any subjects not connected with the local interests of the country to which they belonged? Consider, for a moment, what was the present position of the general question. In February, 1846, it was considered necessary, in consequence of the pressure of business arising out of the number of applications for Railway Bills, that the House should come to a Resolution that the Committees should be formed of five Members, to be chosen by a Committee of Selection, itself established by a Resolution of the House in 1839; and these Resolutions having passed, every Member of the House was supposed virtually to have given his consent to them. The hon. Member for Limerick (Mr. W. S. O'Brien) was as much a party to them, and as much bound by them, as any other Member, English or Scotch; nor did that hon. Gentleman then take any objection, as he might have done, supposing the suggestion of the hon. and learned Member (Mr. O'Connell) to be well founded, that such a Resolution would not attach to the Irish Members, and compel them to attend upon any Railway Bills not connected with Ireland. The hon. Member submitted to those Resolutions, which were passed for the convenience of the House. Now, the hon. Member having been chosen by the Committee of Selection to attend on this group of Private Bills, referred the Committee to his letter of last year, in which he had given the reasons why he should refuse such an attendance; thus virtually incorporating those reasons into his present letter. In the letter of last year, the hon. Member said—

"Experience and observation at length forced upon my mind the conviction that the British Parliament is incompetent, through want of knowledge, if not through want of inclination, to legislate wisely for Ireland; and that our national interests can be protected and fostered only through the instrumentality of an Irish Legislature."

So that the hon. Gentleman, a Member of the Imperial Legislature, anxious as it was to advance the interests of every part of the Empire, declared that that Legislature was incompetent to perform its duty; and that Irish legislation ought to be confined to an Irish Legislature; refusing upon that ground to join with the other Members of the Imperial Parliament in performing his duty as a Member of it. He added—

"Desiring that none but the Representatives of

the Irish nation should legislate for Ireland, we have no wish to intermeddle with the affairs of England or Scotland, except in so far as they may be connected with the interests of Ireland, or with the general policy of the Empire."

Now, if it was competent to the hon. Member to decline to serve upon any Committees except those connected with the interests of Ireland, it must be equally in the power of every hon. Member to refuse to serve upon any Committees not connected with the interests of his own particular part of the Empire; and it would be perfectly impossible that the duties of the House could be performed satisfactorily to the public, or at all, if every hon. Member were to have a right of independent choice as to the particular part of the duties he owed to the country which he would perform. No doubt there was a distinction, as far as the subject-matter went, between Bills relating to public affairs and Bills connected merely with private interests; but the duties of Members of the Legislature were the same, whether in respect of public or private Bills; it was only in respect of their character as legislators that they could have any control whatever over Bills affecting particular and local interests. Then the hon. Member for Limerick, not saying that it was inconvenient to attend on this occasion, and that he would give his services at some future time, distinctly gave the Committee to understand that he would serve on no Committee which was not connected with Irish affairs; and what was the House to do under these circumstances? Suppose he had defied the power of the House altogether, and said he would attend no Committees at all; the House would clearly be compelled to vindicate its authority, and adopt such a resolution as was now proposed. But did not this answer amount to the same thing? It was considered convenient, and to the advantage of the public, and important and necessary, that the hon. Member should be selected for a particular duty; every one would admit that the Committee of Selection, to which the House, by its Resolution, intrusted the power of choosing Members for these services, performed its office carefully and forbearingly towards hon. Members; and the question was, whether the House was or was not to support the act of its Committee, and uphold and vindicate its own authority? What said the hon. and learned Member in answer to the charge, as it must be called, made against the hon. Member for Limerick, of having neglected his duty in this respect, and disobeyed the Orders of the House, and thereby been guilty of a contempt? Why, that there was no intentional disrespect; and that the hon. Member had not wilfully been guilty of a contemptuous act, because he had a very strong impression with regard to the validity of his objection, and was, therefore, perfectly justified in acting upon it, But could the House believe that the hon. Member was not perfectly aware that he was a Member of the House of Commons—a House representing the whole Empire—aware of the Resolutions of the 12th of February, 1846—aware that he was, to all intents and purposes, a party to them—and aware that it was his duty, as a Member of the House, to obey its Orders? The hon. and learned Gentleman, however, called upon the House to pause and be careful of the steps it took, since it might have no power to interfere in the way proposed —first, because no power of this description was conferred upon it by the Act of Union; and next, because the authority exercised by the Committee of Selection was new, and no Committee had, until now, had such stringent powers conferred upon it. Now, the objection founded upon the Act of Union was rather calculated to excite astonishment, for the Third Article in the Act was—

"That the said United Kingdom be represented in one and the same Parliament, to be styled the Parliament of the United Kingdom of Great Britain and Ireland."

Provision being made by another Article for incorporating into this Imperial Parliament a certain number of Irish Members, who were to form part of the House of Commons. Surely nobody, not even the hon. and learned Member, would dispute that immediately on those Members being incorporated into, and becoming a part of the House, they were subject to all the liabilities and obnoxious to the same powers as the Members of the House of Commons before the Union. It was difficult to understand what the hon. and learned Member meant by saying there was no statutable power given to the House to proceed to extremity against a refractory Member; for it was inherent in every body which had public functions to discharge, of the importance of those committed to that Assembly, that they might enforce the attendance of their members when necessary for the performance of those functions; nor need such a power be expressly conferred upon them by the Legislature, or any other authority than their own; such a body

would be perfectly powerless and helpless with regard to its functions, if, finding it requisite for their due and satisfactory performance, it were to impose certain duties upon some of its members, and they were to be at liberty to refuse altogether to perform the duties so delegated to them. Clearly, therefore, the House wanted no Act of the Legislature to confer upon it this power, which was thus requisite for the discharge of its high and important duties to the public; and the Order of the House upon the subject was binding upon all its Members: if one were at liberty to refuse obedience, each in his turn might do the same, and there would be an entire stop put to all the proceedings of the House, and all its capacity to discharge its duties. It must be admitted that no power of the kind in question was expressly given by the Act of Union; but for this reason there was no necessity for it. But the hon. and learned Member had urged that the Committee of Selection had powers given to it whic h were perfectly novel ad infinitely more stringent than any previously confided to a Committee. It might be so; but the House in its wisdom thought proper to give it those powers, it being found perfectly impracticable for the House to discharge the burdensome duties cast upon it this Session without delegating a portion of its powers in this way to that Committee; the hon. Member, therefore, had refused obedience to an authority which he with others had consented to establish. The hon. Member must perfectly well know that he was guilty of wilful disobedience to the Orders of the House by refusing to attend this Committee: there was no inadvertence or mistake on his part; in his place in the House, instead of endeavouring to excuse himself, he had referred to his correspondence with the Committee of Selection for the grounds on which he resisted the authority of the House; and how was it possible to say that there was no wilful contempt on his part, or that there could be any excuse for his determined and persevering resistance to the authority of the Committee appointed by the House? It was not agreeable to him (the Attorney General) to be the advocate of any severe measures against any one, much less against an hon. Member of the House; but the House had no course to pursue but to adopt this Resolution. It was impossible that it could submit to allow its authority to be defied in this manner; it must endeavour to vindicate it, although that might impose on it the necessity of proceeding to extreme measures, as the inevitable consequence of this Motion being adopted. No excuse had been offered—no answer given; but the perseverance of the hon. Member in resisting the authority of the House might be said to have even placed him in a worse position than the correspondence with the Committee. Deeply regretting the necessity for the present step, he felt that the House had no other course to pursue than to agree to the Motion before it.

Mr. E. B. ROCHE also regretted that it should be thought necessary to introduce this subject at present; first, because the ultimate result of this course would, perhaps, be to compel those who concurred in the propriety of the course adopted by the hon. Member for Limerick to take measures which might impede the business of the House to a great extent; and he should always regret that anything should arise to interfere with the just and legitimate proceeding of its business. Much more he regretted the adoption of this course, because, if it were persevered in, there would arise in the minds of the people of Ireland, who could not enter into Parliamentary technicalities, a strong impression that in pursuing this—he might almost say, persecution of his hon. Friend, the House was visiting upon him a certain degree of—not enmity, for that was too strong an expression, but, at all events, hostility. It was to be regretted exceedingly that the House should adopt any course which might aggravate the quarrel between the two countries. He felt quite incapable of entering into the argument on the power of the House; no doubt it had the power to do a great deal of mischief; but if it could punish for this refusal to attend a Committee, it ought to pause before making use of that power. With regard to the private business of the House, many hon. Members must agree, that it was not carried on in a manner either convenient or satisfactory to them. Every one who had had the misfortune to sit on a Railway Committee—and he was one—must have this conviction on his mind, that if he really attended to the business of that Committee, sitting from twelve to four o'clock, entering on the varied questions before him, and deciding on matters of great importance, involving the expenditure of large sums of money, it was quite impossible for that Member to come down to the House and give the attention which he ought to do to measures for promoting the

general benefit of the country; therefore, if no other good arose out of this question—if it suggested the propriety of some alteration in the mode of carrying on their private business, it would be of great advantage. As to the case of the hon. Member for Limerick, if they went on with the proceedings against him, what would be the result? The hon. and learned Gentleman who last spoke (the Attorney General) had read a paragraph from the letter of the hon. Member for Limerick, in which he introduced the question that that House was not fit to govern Ireland with anything like advantage to that country. Now, there was no doubt that the majority of the people of Ireland agreed with his hon. Friend, that that House, either through ignorance or a hostile feeling to Ireland, was not fit to make laws for that country. Would the course now proposed to the House alter that impression, or at all mend the matter? He did not wish to enter into any dispute about the power of that House; but he felt strongly, that, if they should exercise the powers they possessed to the extent of imprisoning his hon. Friend the Member for Limerick, they would not only be doing an injustice to him, but a great injustice to the best interests of the people of Ireland. The hon. Member for Limerick had on the Paper a Motion relative to an inquiry into the general condition of Ireland; and there was a Motion by the hon. Member for Cork coming on for giving two additional Members to the county of Cork; these were questions of great importance, on which the hon. Member for Limerick would be prevented from expressing his sentiments, if the House should resolve to place him in custody of the Serjeant-at-Arms. The hon. Member would also be prevented from being present on Friday night, when the question of the Coercion Bill came on for discussion, and thus the important constituency of the county of Limerick would be unrepresented on all these occasions. But, more than all, he was bound to tell them, that if they pursued the proposed course, they would exasperate the minds of the people of Ireland; and he could not too strongly impress upon them whether the necessity of communicating to Ireland a message of peace was not infinitely greater than insisting upon any technical questions which might arise in that House.

MR. WARBURTON said, that if, by his concurrence in the present Motion, he was merely giving expression to his disapproval of the course pursued by the hon. Member for Limerick, he should have no hesitation whatever in giving it his support. But a Motion calling upon the House to pronounce one of its Members guilty of a contempt towards it, naturally led to another preceding that—namely, of pronouncing a judgment upon the refractory Member. The next Motion consequently must be that the hon. Member for Limerick be committed to the Tower. [Hon. MEMBERS: To the Bar.] Brought to the bar of that House, and then, being placed in the custody of the Serjeant, the next step would be to send him to the Tower. Now, he was not going to dispute the point; but he must say that he did not approve of the course taken in respect to calling into exercise the powers of the House on this occasion. If the House were to be called on to commit to the custody of the Serjeant-at-Arms every Member who refused or neglected to serve on its Select Committees, he did not know how many foolish Members of that House there might not be who would brave the exercise of the powers of Parliament in this respect. The House had occasionally shown great severity towards persons who, not being Members, had offended against its rules. But there great principles were, or were supposed to be, at stake; and he had entirely approved of the course adopted on those occasions. But at present he could not refrain from asking what good would result from the course proposed to be pursued, and what did the House propose to do after the Motion had been agreed to? What would be gained by forcing Members to attend at Select Committees? Suppose the hon. Member for Limerick said, "I can't dispute your authority"—and sat upon a Committee, but during his attendance paid no kind of attention to the business before him. ["Oh, oh!"] Hon. Members might cry "Oh!" but was not it quite possible that such a proceeding might be adopted by him or any other hon. Member forced to act against his will on a Committee? If any hon. Member was so unwilling to serve on a Committee, was it likely that his services would be of any value? The hon. and learned Member for Liskeard told him that all were unwilling to serve; but he must say he saw no good in continuing to force such an office on unwilling Members. What was the reverse of the state of things which he had supposed? Was there any lack of volunteers in the service of the Select Committees? Why, the right hon.

Baronet opposite had at the close of the last Session complimented the House upon the assiduity with which individual Members had discharged the fatiguing duties of attending, day after day, at the Select Committees; and would it now be supposed that the mere circumstance of one or two Members giving such an absurd reply to a summons to attend Committees, as that which had occasioned the present Motion, was to deprive the country in future of the valuable services referred to by the right hon. Baronet? So far from that being likely, he (Mr. Warburton) thought not the slightest difference would be made between the present and the preceding Session. The course he should advise the House to adopt was, that any hon. Member who should give a special reason for his desire or determination to be absent from the Select Committee to which he should be appointed, should be exempted from attending at such Committee; but that it should be an instruction to the said Committee to report the names of such Member to the House. He could not of course foretell what the consequences of such a proceeding would be to the hon. Members for Ireland; but with respect to English Members he considered, that when such a foolish answer as that out of which the present Motion arose, should be made known to their constituents, the result would be, they would not again trouble such persons with the task of representing them in Parliament. He should beg leave to conclude, by moving as an Amendment to the present Motion—

"To leave out from the word 'esquire' to the end of the question, in order to add the words 'and any other Members of this House, who in the course of the present Session may think proper to signify to the Committee of Selection that they claim, on special grounds, to be exempted from serving on Select Committees on Railway Bills, shall be exempted accordingly; and that it be an Instruction to the Committee of Selection to report to the House the names of all such Members as may so claim to be specially exempted, and the grounds assigned for such exemption.'"

Mr. J. O'CONNELL differed from the hon. Member who spoke last, with reference to the epithet he had applied to the conduct of the hon. Member for Limerick. He believed that House and the country would find that the people of Ireland approved of his conduct, and that, instead of thinking it foolish or unwarrantable, they would regard it as in perfect accordance with what was due to the interests of Ireland. He also differed with the hon. Member when he said that a person who was an unwilling Member of a Committee would not attend to the duties of that Committee. He had been an unwilling Member of a Committee for the last three weeks, and would probably be for three months to come; but though he was an unwilling Member, he had endeavoured to the best of his ability to attend to the business before it. At the same time, he must declare that he did not consider the House had any right to call upon him to serve upon that Committee. He agreed with his Friend the hon. Member for Limerick. He was not in the same difficulty with him now, as he knew that if he had refused to serve he should have been committed to the custody of the Serjeant-at-Arms, and thus been unable to oppose the Coercion Bill, which he regarded as a higher duty to Ireland. His hon. Friend considered the first brunt of the battle as over, and that he might now try the principle of his liability to serve on Railway Committees. He (Mr. J. O'Connell), however, regretted the course he had taken in this matter, as he thought his services to Ireland would have been better rendered in still further opposing the Coercion Bill. It might, perhaps, be presumption in him to give an opinion in opposition to that of the learned Attorney General; but he must say he did not think he had met the arguments of the hon. Member for Cork. There was no special statute to compel the attendance of Irish Members on such Committees. It was not said that there was any extension of the clause bearing on this subject to Irish Members; if it was meant for Ireland a special statute should have been passed; so that he did not think the argument of the hon. Member for Cork had been answered. If that House considered that the Irish Members were bound in this matter by the Act of Union, and insisted on the observance of that Act, then it ought to observe all the other provisions of the Act of Union, and insist on them as strongly as it insisted on this. They could raise this grand objection to any coercion imposed upon them under that Union, that Ireland was not a party to the Union. It was a Treaty in name; in fact forced upon her when she had not the power to express the will of her people. The House, therefore, could not be surprised if they were not disposed to pay attention to its demands, when they considered that the law and the Constitution did not require them to do so. He thought, then, that his Friend the hon. Member for Limerick was right in his re-

sistance in this instance, though he deplored that, in present circumstances he might be prevented from attending to resist the Coercion Bill; but he thought that, considering this to be a matter of principle with the hon. Gentleman, the House ought to adopt the recommendation of the hon. Member who had moved the Amendment.

Mr. BROTHERTON had no intention of saying a single word on the subject, but was induced by what had fallen from the hon. Member for Kilkenny to make one or two remarks. He considered it as an honour and a privilege of every Member to endeavour to do his duty, whether in that House or in Committee; and he thought the less power they had the more they felt the power they possessed. He would rather have men acting on a principle of honour than by coercive laws. He had the fullest confidence that if hon. Members were at liberty either to attend the Committees or not, such was his reliance on their integrity that he believed they would seldom fail in attention to their duties. And he must say, that if a Member chose to shrink from any duty he was called upon to perform, he would rather leave him to his constituents, than attempt to compel him to perform it. But the hon. Gentleman had another object in view. He would be better pleased if they sent him to the Tower than by any other course they could adopt. Now, he did not want to gratify him—he did not wish to make a martyr of him; and he hoped, therefore, that the House would come to the determination to adopt the Amendment of the hon. Member for Kendal.

Mr. M. O'CONNELL denied that there was any shrinking from the discharge of a duty on the part of the hon. Member for Limerick. He might probably have a mistaken notion of his duty, but was incapable of shrinking from what he considered his duty. If he had had any idea of shrinking, there was nothing easier for him than to have set off for Ireland, from which they would not have found it very safe or easy to bring him back.

Sir G. GREY thought no other course was open to the House but to adopt the Resolution of the hon. Member for Oxford. The hon. Member for Cork, in the very temperate observations he had made, admitted that the hon. Member for Limerick had been guilty of contempt, because he disobeyed the orders of a Committee; but it must be evident that the hon. Member was guilty also of contempt towards the House. The hon. Member did not attend the Committee, and an order was issued that he should attend. The Motion of the hon. Member for Oxford was, that, having disputed the Order of the House issued yesterday, the hon. Member for Limerick was guilty of a contempt of that House; and he did not see how they could abstain from asserting, under such circumstances, their authority. If the House gave an order for a Member to attend a Committee, and if that Member refused, without making a sufficient excuse, they must hold that he was guilty of a contempt of that House; otherwise it would be giving up all the authority it possessed. The question before them was not one of punishment—for in the first instance they were called upon to adopt a Resolution declaring the hon. Member guilty of contempt. It had been stated by the hon. Member for Cork that the hon. Member for Limerick had no wish to show contempt to the House. If that were the case, he might, perhaps, when he knew the decision to which they had come, recede from the position he had taken up; but at present the question was, whether there was any contempt manifested; and he thought there could be no doubt in the mind of any one that the disobedience of the hon. Member for Limerick did amount to a contempt of the House.

Sir R. PEEL: I am much surprised that any one should suppose that any party, in coming to a decision on this question, was influenced by feelings of hostility towards the hon. Member for Limerick. I believe that the general sentiment of the House is, on the contrary, one of very great regret that this matter has been brought forward. This, however, is not the first time in which the decision of the House has been necessarily taken on a question of this kind. In the course of this Session the hon. Member for Winchester declined to serve upon a Committee to which he had been appointed; and assigned as his reason for declining to serve on that Private Committee, that he was already serving on two Public Committees, and that he thought his public incompatible with his private duty. He appealed to the House, but his objection was overruled; and he was informed that he was bound to attend to the order of the House. An order was made to that effect, when the hon. Member said, that if such was the opinion of the House, he should at once bow to its decision; and though he might neglect his public duties on the Committees

to which he had previously been appointed, he should attend to his private duty in the Committee of which he had been selected as a Member. Such being the principle which has guided the House on questions of this nature, it seems to me almost impossible to impute our proceedings in the present case to any hostility towards the hon. Member for Limerick. There is another case. In 1830, the hon. and learned Member for Cork refused to attend a Committee of Appeal, to which he had been appointed, and assigned a reason which the House did not admit to be valid. The hon. and learned Gentleman did not on that occasion attribute the proceedings of the House to any hostility towards himself; but, greatly to his honour, bowed to the decision of the House, and performed the duty assigned to him. In the present case, the correspondence which has taken place clearly shows that if there had been any objection on the part of the hon. Member for Limerick, other than an objection on principle to serve on Committees, the Select Committee were desirous of giving it their attention, with the view of excusing the hon. Gentleman from the performance of his duty. The hon. Gentleman was informed that, like other Members of Parliament of the United Kingdom, he would be called on to perform his duty on Committees; and that if any particular time was inconvenient, another period would be chosen. But the hon. Gentleman peremptorily refused to attend at all; and assigned as a reason his determination to attend no Private Committees except such as were connected with the affairs of Ireland. Now, I know of no course which the Committee could take in a case like this except to report to the House; and I know of no course which the House can take, after having made the order of yesterday, except to affirm the resolution which has been proposed. The Amendment of the hon. Member for Kendal, that we should rescind the order of yesterday, and that, instead of making the attendance of Members on Committees compulsory, we should allow every Member to act or not, assigning what reason he thinks proper, is an Amendment hardly worthy of the long standing of the hon. Gentleman in this House. Suppose Members were allowed to assign special reasons. Is not the special reason of the idler, that he is idle, and does not choose to perform his duty? Whatever course, then, may be taken, I hope the House will not give its sanction to an Amendment of that nature. It is of the greatest importance, in my opinion, that we should on all questions support the legitimate authority of this House, the branch of the Legislature which is connected with the popular part of the Constitution. The question is, have we or have we not the power to require the attendance of Members on public Committees? I do not want to enter into any lengthened discussion of this point; but I apprehend there can be no distinction between service on Committees and service in this House. If you deny our power to compel service on Committees, you may deny our power to compel attendance in this House for the performance of the most important legislative duties. In the present case it appears to me that the refusal to attend is a denial of power which is essential to the authority of the House. The hon. Gentleman opposite says that the Act of Union confers no such power; but I apprehend if the Act of Union does not give you that power, it was not from inadvertence on the part of those who framed that Act, but from a belief that such a pewer was inherent in Parliament, and that we hold it by prescription and the common law of the land. If we are to act on the principle that we have no powers in cases of this kind, except such as are conferred by statute on the Speaker, what must we say of our proceedings with regard to the Members for Scotland between the period of the Union with that country and the Act of Union with Ireland? I apprehend that the Act which united the Scotch and English Parliaments, and that which united the Irish to the Imperial Parliament, proceed upon the same principle. In neither of these Acts is any statutable authority given to the Speaker to compel the attendance of Members. The great men who drew up these Acts refused to take a statutable sanction for that which rested on higher grounds; and, therefore, they did not confer on the Speaker of the United Parliament an authority which the Speakers in the respective Parliaments of Scotland and Ireland did not by statute possess. In more recent times, when you made a great change in the representative system, you took it for granted that such a power as that I have alluded to was inherent in the House of Commons, and that it would continue to exist without being reorganized by statute, notwithstanding the change then made. If you decline to affirm the Resolution proposed, you will, in my opin-

ion, be taking a course derogatory to the character of the House, and destructive of the functions and privileges essential to performance of your duties. The hon. and learned Gentleman (Mr. O'Connell) says that this power did not inhere in the House of Commons, because it had been bestowed on them by the statute of Henry VIII.; but that was a statute to deprive Members of their wages, and it is possible that, without that statute, Members would have had a right to exact those wages. In fact, this power is derived from the same source that all the powers belonging to the House of Commons are derived from—the power to make laws to bind the people, for instance, and other powers which rest on grounds that will, I trust, never be brought in question. I am very sorry that the House has been forced into this contest. Some Gentlemen may wish to be made martyrs of; but that is not a ground on which to call upon the House to abandon this necessary power. I repeat I am sorry for this contest, but the House is not responsible for bringing it on; the hon. Gentleman had the means of avoiding it, but he has challenged the House to the exercise of this power; and I consider that it is so important, for the due discharge of our functions, that the House should exercise this power, however painful it may be to do so, that I feel myself bound to vote for the Resolution.

Mr. H. GRATTAN thought that his hon. Friend had not deserved the remarks which had been made upon him, because he did not wholly set at defiance the Order of the House. He had taken a distinction upon a point of law. His hon. Friend (the Member for Limerick) had fixed opinions on the subject; and he should only hope that if the House should agree to pass this Resolution, for which he (Mr. Grattan) could not vote, they would pause before they took any ulterior steps, which he thought could not be satisfactory to any body.

Mr. CALEB POWELL was sure that his hon. Colleague was confident that he had right on his side, and but for his entertaining that conviction, he should not support his hon. Colleague. He must say that he never saw anything more like hostility to his hon. Friend than the tone in which the hon. and learned Gentleman the Attorney General had spoken. He thought his hon. Friend had reason to complain of the tone both of the Attorney General and of the Prime Minister. Neither of them had attempted to show that there was not a strong distinction between the position of an English Member and an Irish Member in the House. The right hon. Baronet had stated, that upon one occasion an hon. Member, who had refused to serve upon a Private Committee, had given way, but that was not a case in point, because the hon. Gentleman was an English Member, and his hon. Friend the Member for Limerick was an Irish Member. Another hon. Gentleman had put this question in a light which was absurd. He said that the House had power to order a Member to do anything, and that if refused, it would be a contempt. Now, he would put a case: suppose a Member who had been a monopolist for the last twenty years were suddenly converted into a determined free trader, and the Speaker were to issue an order that he should be distinguished in the House by his dress, and sit with his coat turned; he should like to know whether the Speaker would have authority to enforce such an order? He hoped that the Order would not issue, because he thought that if it were enforced, the House would wear a very motley appearance. He thought that unless much stronger arguments for the Resolution were brought forward than those furnished by the law officers of the Crown, the House would in voting for it take a step only reconcilable with the principle of arbitrary power.

Mr. HUME rose in consequence of an expression from an hon. Member near him (Mr. C. Powell) which, upon consideration, he thought he could not maintain, as he seemed to draw a distinction between Irish and English Members. He recollected occasions when he had contended that the Irish Members were entitled to all the privileges which the English and Scotch Members enjoyed. If, then, they were to have all the privileges of English Members, were they to refuse to do the duties imposed upon Members of the House of Commons? He had considered them to be placed upon the same footing with every other Member of the House, and, therefore, that they were to be obedient to all the rules and orders made by that body. He should ask what difference there was between Members who came into the House under the Reform Bill and others? Was there any law passed to give them privileges equal to those possessed by other Members of the House? He apprehended that by becoming Members of the House they became entitled to all its privileges, and liable to all its

penalties. He deeply deplored the step which the hon. Member for Limerick had taken, because he was anxious to avoid any possible difference with Ireland at the present moment. He approved, therefore, highly of the speech of the hon. Member for Kilkenny, who, while admitting that he entertained the same opinion as the hon. Member for Limerick upon this question, yet fairly said that whatever weight it might have in his mind, at the present moment more important duties to his country induced him to waive it. He agreed with the right hon. Baronet in thinking that there was no other course before the House than to agree to the Resolution. They might as well put an end to all the proceedings of the House, if any Member might do as he pleased. If the hon. Member for Limerick had any excuse to offer, he should have been very ready to accept even an inadequate excuse, in order to avoid a collision that was now inevitable. But as the collision had taken place, and as they must show no partiality, and make no difference between English, Scotch, and Irish Members, unless they acted in such a manner as to demonstrate that a Member could not be allowed to violate the regulations of the House with impunity, there was no prospect of maintaining any order in future. If the hon. Member for Limerick had a friend to advise him, he might perhaps yet submit himself to the authority of the House. As to the threat which had been made respecting the Irish people, he did not believe that the Irish people would support the hon. Member for Limerick. "Of what use," the Irish people would say to their Members, "will you be to us, if you do not ask for equal rights with the people of England?" But if the Irish Members did not do their duty as Members of that House, how could they stand up in it and ask for equal rights for their fellow countrymen? If the Irish people were left to their own sober judgment, he was sure that they would not approve of the conduct of the hon. Member for Limerick. He approved of the Resolution, upon the ground that, as matters stood, the House had no alternative but to adopt it.

Mr. EWART asked whether it were competent to an hon. Member to move, after this vote, "That the hon. Member had been guilty of a contempt," had passed, that it was such an offence as ought to be visited by reprehension, and not by committal to the custody of the Serjeant-at-Arms? He wished to hear how this was before he gave his vote.

Sir T. WILDE thought that some of the opinions which had been expressed by hon. Members on his side of the House might account for the conduct of the hon. Member for Limerick, consistently with his assertion that he intended no disrespect to the House. Nevertheless, he (Sir T. Wilde) must say he thought it difficult to contend that an act of disobedience to the express order of the House was not a contempt of the House. But the hon. Member contended that he had a higher duty to perform than attending on a Select Committee of the House. It might be that the hon. Member's mind was under this delusion; but he (Sir T. Wilde) deeply regretted that such a delusion should have had the authority of the hon. and learned Member for Cork—he hoped that the hon. and learned Gentleman would forgive him for saying so—but a position more inconsistent with Parliamentary law, and with common law, he must say, with great respect for the hon. and learned Gentleman's authority, for which on almost all occasions he felt the highest respect, he had never heard. That position was pregnant, he was convinced, with great mischief; for if it were said that the House, in enforcing obedience to its own order in this case, were assuming a power it was not entitled to, it might give a character which it was most desirable should not be given to such measures as it might at any time be necessary to adopt for effecting the due discharge of their functions as a House of Commons. He should not have risen except that he wished to express his opinion that the doctrine of his hon. and learned Friend was pregnant with danger. The law of Parliament, he should have supposed, must be well understood. Parliament possessed all the powers necessary to enable it to discharge its duties. The right hon. Baronet had correctly stated that the Act of Union with Scotland only added certain Members to that House and the House of Peers. It was, however, never contended that the powers given by the Union with Scotland did not include all powers, without which Parliament could not exercise its functions. Could it be said that Scotch Members were not sent to the House to be as efficient, and as fully clothed with power and privilege as were English Members? Could it be said that when from time to time new Members were added to the House, that there was any difference in the authority

of these Members, any difference in the authority of the House, or the authority of Parliament? No, there was none. All that the Act of Union had done, so far as regarded this question, was to cause the return of certain Members from Ireland, to make them Members of the Imperial Parliament. The character of that Parliament was not in any way altered from what it had been from the most ancient times; it continued to possess all the dignity, all the power, all the privileges which had ever belonged to it. What did his learned Friend (Mr. O'Connell) mean when he talked of such and such an Act not being according to the common law? The common law of what—of Parliament or of the land? The Parliamentary law they had often had occasion to consider. It was a peculiar law, a law by itself; its distinction from common law was admitted: therefore when his hon. and learned Friend said they had no right by common law to enforce attendance, he agreed with him. But they had that right by the law of the land, under the name of Parliamentary law—a law as old as necessary, as fully recognized as the common law. His hon. and learned Friend, therefore, he believed, must have been urged rather by the desire—a very natural one—of relieving a Friend of his, than of consulting and bringing into play his own knowledge as a profound lawyer, which beyond all doubt he was. But he had attempted to relieve his Friend upon grounds attended with great public inconvenience; and this House, when challenged as to whether it had authority to deal with its own individual Members, could not hesitate in putting down the doctrine that it did not possess this authority, by most promptly and decidedly exercising it. Therefore he hoped that the House could have no hesitation in believing that it possessed, as the House of Commons of the Imperial Parliament, a common authority over every Member within its walls. What was that authority? It was what he had stated. The House had a right to call upon every Member to discharge his Parliamentary duties in such a manner, and for such a purpose, as it in its wisdom might deem necessary. Suppose the necessity were represented to the House of suspending the Habeas Corpus Act, what would be the course pursued? It would be to nominate a Secret Committee to examine the information submitted to it, and then to report to the House. The House then had power to send its Members to this Committee to make an inquiry essential perhaps to the safety of the country. He repeated that this power rested with the House. Where was the power to serve the country if the jurisdiction in this matter of the House were denied? How many questions relating to the Crown, the administration of justice, the conduct of Ministers, were there, on all of which it was desirable to have a Secret Committee? And yet it was said they had no power to send their Members to such a Committee. He told them that they had a power to command the services of any Member as they should think essential. When the principle of Parliamentary privilege was understood, all that had been suggested by the hon. Member for Limerick (Mr. Caleb Powell) as to absurd regulations was quite beside the question. Parliament might abuse its powers as courts of law might abuse their powers. They could not, when it was necessary to give power, prevent its abuse; but were this House to seek to abuse its power by making any such absurd regulations as those suggested, then it would soon be taught repentance, and shown the line of its duty by the public voice. It was now doubted whether they could send one of their Members to attend a Committee. Pray was it doubted whether they could send the public to attend a Committee; whether they could compel the public to give evidence? But how had they the power of sending witnesses, if witnesses had the power of refusing to go? Had they more power over the public out of the House than over their own Members within the House? They came here pledged to do justice to the public. Who were to decide how that justice was to be done? The power to decide must be the will of the House—a power which every one must be bound to obey. He took it then that the power of ordering a Member to attend a Committee was clear. But that, after all, was not the question. The question was not whether or no the neglecting to attend a Committee was contempt of the House. That need not at this moment be urged. They were invited to consider the disobedience to the Order of yesterday, and whether that disobedience did not constitute a contempt of the authority of the House. It was true that what gave occasion to that Order was the appointment of a Select Committee. But the House had confirmed the power of its Committee. The acts of the one were the acts of the other. What, then, was their situation? He was sure

that there was but one feeling on this question—that of deep regret at being called on to decide in a matter of this description—a regret made still deeper by the consideration that the case had reference to an Irish Member. Not that there should be any difference in respect to Irish Members from English or Scotch Members; but there were circumstances connected with Ireland which rendered this occurrence a matter of additional regret, inasmuch as it might be mistaken and misrepresented; and he was sure that if any hon. Member could suggest a course consistent with the character of the House, and which should at the same time render coercive measures unnecessary, he, for his part, would honour him, and the House would feel deeply obliged to him. He, however, had spent some hours in considering if any such course could be pointed out, and he confessed that he had not been able to see his way to one. Then the position in which they stood was by no means diminished in its evils by the suggestion of a doubt as to the authority of the House with regard to its Committees over Irish Members; and unfortunately that suggestion had come from the hon. and learned Member for Cork. He trusted that his hon. and learned Friend would give the House the benefit of his sober judgment; that he would give Ireland the benefit of that highly cultivated knowledge he possessed; that he would see reason to give the House his real genuine opinion that the power of Parliament over Irish Members was as complete and as undoubted as the interests of Ireland undoubtedly required that it should be. The House claimed that Irish Members should do their duty in Parliament. They came to discharge the same duties—they had a right to the same privileges as English Members; but as the duties were identical, so must be the submission to the jurisdiction of the House, for which those duties were performed. Imperfect indeed would be that Act of Union which would create a House with a mixed jurisdiction—a different degree of power over its different constituent Members. The House then was placed in this position:—An Order had been made that an hon. Member should attend a certain Committee. That hon. Member, in refusing to obey that Order, was not acting under any misapprehension of the nature of the Order; he had not refused at a moment when he had not fully considered what his duty to the House was, what his duty to Ireland was; but he had done so deliberately and for reasons in which no other Irish Member had joined him. Were the other Irish Members guilty of greater treason towards Ireland than the hon. Member for Limerick? Did they do any injustice to Ireland in attending Committees of that House? But could any Irish Member justify the hon. Gentleman in withholding from Ireland the benefit of his attendance? What, he would ask, must be the nature of the hon. Gentleman's love to Ireland, of his sense of duty towards Ireland, when he makes the excuse of conscientiously refusing to obey the Orders of the House the pretext for placing himself in a situation in which he could not possibly do his duty towards Ireland? Could the hon. Member do a greater wrong to Ireland than imagine that he was not doing injustice to Ireland by not attending to duties which the hon. and learned Member for Cork had no objection to attend to? Had the hon. Member for Limerick a warmer love for his country than the hon. and learned Member for Cork? Was he a more competent judge than that hon. and learned Gentleman of what would serve Ireland? No. The hon. Member might bid for popularity against the hon. and learned Member for Cork by seeking to become a martyr. Not that he believed the hon. Member to be pursuing that course; no, he believed that he was too honourable a man for anything of the kind, But everybody was satisfied that it must be a morbid love of popularity, a most morbid desire for notoriety, which could induce him to withdraw his services from Ireland, because he would not perform a duty devolved upon him by Parliament, which the hon. Member for Cork did not think it was inconsistent with his duty to Ireland to perform. The case stood, therefore, thus—their authority was utterly denied by the hon. Gentleman the Member for Limerick. The question was—what, under the circumstances, should be the course of the House? It would be easy enough to make a precedent, which they might afterwards have cause to regret. It was easy by shrinking from a disagreeable duty, when it presented itself, to adopt a course which might form a precedent in future times, the effect of which it was impossible to foresee. In the first place it was of the highest consequence to preserve inviolate the authority and dignity of the House. Then what were they to do? Would it answer the purpose were it to go to the public that they were, as proposed by the

Motion of the hon. Member for Kendal, to excuse for the future every Member of the House from doing his duty, if he desired it, and to trust to the voluntary discharge of that duty for the performance of all the functions of Parliament? Could the House then shrink from asserting its authority in a case in which it was distinctly denied and opposed? It might be said, these Committees related to Private Bills only; but was there any ground for making a distinction between private and public Bills? Were those Bills wholly for private, or were they as well for the public advantage? Undoutedly they interfered with private rights to some extent; but in some way or other the public interest was always involved in them; and hon. Members, when they were attending to such Bills, were as much attending to their public duties, as when they were attending the consideration of what were called public Bills. It was their duty, as Members of the House of Commons, to give their attention to the framing of every law, and to take care that it should conduce to the public advantage. There was then, in point of fact, no difference, so far as the duty of Parliament was concerned, between one law and another; and every Member refusing to attend a Committee on any measure, public or private, when required to do so, was guilty of disobeying the Speaker's order. What then were they to do in the present case? Could they pass over the matter, and say nothing further about it. The hon. Member had disobeyed the Order of that House, directly and knowingly: would any hon. Gentleman show him a single instance in which the House had passed over such a contempt of its authority? If, then, it never had been done, and if there were no reasons why it ought to be done now, what course could they take? He did not shrink from the difficulties which would arise from coercive measures. He did not —in considering whether he ought to vote ay or no—he did not shrink from contemplating what would necessarily follow from an affirmative decision; and he thought that every man who intended to vote for the Resolution would do right so to consider the matter. But had they any resource? was their authority to be defeated by one of their own Members? They would change the character of the House from the moment they abandoned that high position which they had ever held. They possessed authority for public purposes: it was a trust which they were bound to preserve. With the greatest regret, therefore, he felt himself bound to concur in the motion. He respected the hon. Member for Limerick—he regretted deeply the circumstance under discussion; but he felt that he owed it to his sense of public duty first of all to protest most solemnly in the name of the Parliament, in the name of the law, against any such doctrine as that which maintained that when the House added to its Members it required additional Parliamentary authority to invest them with all the duties and all the responsibilities of Members. The law cast upon them when they became Members of Parliament all that belonged to the character and the constitution of Parliament. He trusted, therefore, that the House would perform its duty, and maintain its character, not merely for its own sake, but because it was bound by its duty to the public so to do. They could not with safety or with honour shrink from the course which he called upon them to adopt—a course which, beset as it was by difficulties and inconveniences, he saw no other choice for them than to pursue.

Mr. J. COLLETT wished to know, now that the attendance of Members on Private Bill Committees was compulsory, and that the House by a recent arrangement met on Wednesday in the day time, if the lesser duty of the former, would merge into the more important duty of the latter; or, would a Member who attended in his place in the House on Wednesdays, be held guilty of contempt of its Orders for being absent from the Railway Committee on that day?

The ATTORNEY GENERAL: When his opinion was asked upon any question regularly before the House, he always felt it his duty to give it; but as it was no part of his duty to answer questions upon matters not regularly before them, the hon. Member must excuse him if he declined to give any opinion upon the point he had raised.

Mr. DISRAELI: The learned Gentleman who has just addressed us with so much ability, has impressed on us the absolute necessity of acceding to the Motion before the House—a Motion which he regrets, and the consequences of which, he also tells us may be exceedingly painful and inconvenient to the hon. Member concerned. The hon. and learned Gentleman told us also, there was no difference between English and Irish Members—that

there was a perfect equality between us—that is a doctrine which I hope will be considered when the income tax is again proposed in this House. At this moment a suggestion occurs to my mind by which, if carried out, we may gain a little time before we come to a conclusion on the case now before the House. The right hon. Gentleman the Member for Devonport treated the case in a technical manner; he dealt with it as a technical case. It is admitted on both sides that, technically, the Notice was not served upon the hon. Member for Limerick. That is an important consideration, though it might be considered he was aware of it by his presence; but, although present, he might misconceive what was taking place. I must say, though I do not rise to sanction the conduct of any individual who opposes the legitimate authority of the House, still, it may be of consequence—acting as we are under the peculiar circumstances of the present case, that we should see our way clearly before we come to any decision; that that decision may not be afterwards impugned by any alleged informality. I am, therefore, of opinion, so far as regards the hon. Member for Limerick, that it would be well to give him the opportunity to reconsider his present position—his present situation—because it is admitted he has not received formal notice. That is an important point. If the case of any other person were brought before the House, and under similar circumstances, without any formal notice, I am of opinion the House would adjourn the discussion. I have heard a great many Gentlemen say, that to carry on the business of the country—at least so far as the private business was concerned—it would be impossible to do so except a compulsory attendance was enforced. But you have carried on the business of the country without this compulsory principle; and you have done so until within the last twelve months. The compulsory principle is a new principle, and you are called on to consider the circumstances under which that principle was introduced. You have had already your Committees for the conducting of private business, and you had a full supply of Members for that purpose, without enforcing the principle of compulsory attendance. But what gave rise to the compulsory attendance? It originated because you had a great pressure of public business, and looking at those peculiar circumstances which have now changed, you thought that for a number of years to come you would experience the same pressure, and therefore you thought it necessary to take steps to ensure the attendance of Members. The right hon. Baronet at the head of Her Majesty's Government declared that he himself was ready to serve on Railway Committees. Under that excitement you violated the constitution of the House with regard to the Members of Private Committees — you sanctioned an immense revolution when you sanctioned a law which enforces a compulsory attendance. But is there now a great pressure of business? Is it expected that in this year you will have an immense amount of railway business? By no means. When circumstances are so changed, and when you have so entirely miscalculated those circumstances, is it politic to come forward in what may appear a vindictive spirit, and to enforce in that spirit a compulsory attendance? I would, then, advise the postponement of this Motion until to-morrow, that we may give the hon. Member an opportunity to decide as to his future course, because he declares he has received no notice; and the next bulletin which may relate to railways, upon which he may be summoned to attend, may vanish into thin air. Give, then, the hon. Member time to think, and you may thus extricate yourselves from a difficulty, and you may not be called on to enforce a rule which is of novel introduction, and which was introduced under circumstances that no longer exist. It is my opinion that if it can be shown that the railway business still continues to be a great source of pressure in the House, I do not think that any hon. Member would so far forget his duty to the public as to refuse attendance; but as you may be in a month's time prepared to rescind a rule which is invidious and disagreeable, will you enforce it now, at a time when circumstances and events have shown that the compulsory principle is not at all necessary? Will you, when the daily and rapid decline of those circumstances is apparent, introduce a Motion to visit one of the Members of the House with a punishment which everybody must regret? I hope, therefore, the House will take these circumstances into its serious consideration. If the Orders of the House be disobeyed, it is your duty to enforce obedience; but still my opinion is in favour of the propriety of giving a little more time to the hon. Member for Limerick, that he may reconsider his position; and by giving him time we

also may have the opportunity of reconsidering all those circumstances which are connected with his case. Are we prepared to support this compulsory principle by which we shall enforce the attendance of Members on Committees? I hope not, more especially as the circumstances which had justified that principle are rapidly disappearing. The railway business at one time was supposed to last for seven years; but that anticipated pressure has disappeared, and, having disappeared, it is now open to the House to consider the expediency of enforcing the principle of compulsory attendance; a consideration which, if calmly and dispassionately entered into, might put an end to an occurrence which we all deplore.

Mr. C. BULLER: I am not going to answer the speech of the hon. Member for Shrewsbury, who will excuse me for saying that his plea for my hon. Friend the Member for Limerick is more creditable to his generous devotion to a new political ally than to his usual acumen and ingenuity. It appears to me, indeed, that the course we should adopt is a very simple one. Having passed an Order in the presence of my hon. Friend, he declares he will pay no attention to it. I think my hon. Friend set up no such justification of his conduct as that set up for him by the hon. Member for Shrewsbury, namely, that he had no notice of the Order. My hon. Friend has distinctly stated that he will not obey it. Besides, what can be more direct notice than the Vote of last night—"Ordered that Mr. W. S. O'Brien do attend the said Committee"? That Vote was passed in the presence of my hon. Friend. Well, then, he has clearly committed such a contempt, that the House will be bound, if it have any regard for its own character or privileges, to enforce its Order. And I understand, too, the Order, signed by Mr. Ley, was actually served on Mr. O'Brien by the Serjeant-at-Arms, so that the plea of non-notice falls completely to the ground. I am sure every Member will be disposed to act in such a case as this with temper and moderation, and not press severely on any Member guilty of mere inadvertence. So far, I entirely coincide with the hon. Member for Shrewsbury. Some Gentleman has expressed alarm as to the consequences of this vote. I am willing to admit that it should not be followed up with precipitation. It is quite clear we must come to the conclusion that a contempt has been committed. Then, what is the course to be pursued? There has been nothing in the deportment of my hon. Friend to call for animadversion. He has been guilty of no indecorum to the House or to the Committee. Acting under a misapprehension of his duties, he has deliberately chosen to refuse to do what he believed the House had no right to order. Has he any ground for alleging misapprehension? In all courts of law or equity, if an order of the court were disobeyed, it would always be taken as a fair plea for indulgence, that the party acted under the advice of counsel, and was thereby misled. It is quite clear, with all deference to my hon. and learned Friend the Member for Cork, that the hon. Member for Limerick had been misled by his advice; and, that not taking that, which, after all, was the best exponent of my hon. and learned Friend's views on this matter—his own exemplary conduct—but taking that which all men of sense avoid, a gratuitous legal opinion, he was led into the error of seriously believing that the powers of the House over Irish and English Members were somewhat different. This point was urged by my hon. and learned Friend. The House did not seem to think there was much in it, and I agree with the House. At the same time, it must be borne in mind, that my hon. and learned Friend's opinion is one of great weight; and I happen to know, from conversations I have had out of this House with gentlemen from Ireland, that the impression was general that there was some technical flaw in the Act of Union, and that, consequently, the Irish Members were not subject to the same authority as the English. It is an odd notion, of which they must be disabused—inconveniently disabused, if they persevere in it. At the same time, as it appears that my hon. Friend acted *bonâ fide* on an erroneous opinion, I think he should have an opportunity of reconsidering that opinion after the House has given its decision. I shall concur in the Vote that a clear act of contempt has been committed; but after that, I think, it would be the part of wisdom and moderation that time should be given to the hon. Member for Limerick for further consideration, that he may have an opportunity of doing what no man of spirit and sense would ever hesitate to do—bow to the unanimous decision of the House.

Mr. O'CONNELL: The hon. and learned Gentleman has mistaken the point as to notice. What my hon. Friend com-

plained of, was, that the Order was made yesterday, without any previous notice having been given of the Motion on which it was made. The hon. Member for Limerick complains of discourtesy towards him in that respect. The first intimation he had of the Motion yesterday, was a service of the Order of the House. It is quite true he was in the House, but it is equally true that he conceived the Motion then made to have been a very different one; and he himself stated that he laboured under a mistake with respect to it.

Sir R. INGLIS had so often differed from majorities of that House as to privilege, that he was somewhat surprised to find that in this case he concurred with what appeared to be the prevailing opinion. He had always endeavoured to uphold the authority of the House over its own Members, while he contended they had none over others, except those powers granted by statute. In giving a cordial support to the Motion, he did not say he was performing a painful duty, because he was satisfied the duty was clear and perfectly defensible. He believed, they would sacrifice their very existence as a legislative body if they did not enforce the rules they made for their own government, and enforce them summarily, as proposed by the present Motion; for he agreed with the hon. Member for Worcester, that the vote declaring the hon. Member guilty of contempt must be followed by its legitimate consequence, direct punishment. And, though it might be possible to interpose some delay between one Resolution and the other, he, for one, was not prepared to grant any such delay, because it had not been granted by the absurd advocates of privilege to any other individual who was guilty of a violation of their rules; and he thought they should be very cautious before they granted to any Member of their own body an accommodation which was refused to weaker parties. The case of non-notice was completely answered by his hon. and learned Friend the Member for Liskeard. But if there had been no direct notice, as all men, even those who could not read, were bound to know the law, so Members were bound to know all that appeared on the Votes. As to the rule of the 12th of February, let that be in all its branches reconsidered, if need be; but if an order of the House had passed as to a turnpike trust, it was the order which must be considered, and not the subject to which it referred. The disobedience of the hon. Member for Limerick was just as great, whether it referred to a Railway Committee or any other matter. Under these circumstances he should consider it his absolute duty to give his support to the Motion; and he should equally support another Motion for punishment, unless he heard some stronger arguments against it than any that had yet been advanced, believing that to say a Member was guilty of contempt was a mere *brutum fulmen*, unless the House were prepared to follow up its vote by the course which, without a single exception, had been adopted with regard to persons out of the House.

Mr. FITZGERALD, although he had been apprized of the original intention of his hon. Friend the Member for Limerick, yet thought that he would have given the matter more intermediate attention, and would not have brought it to issue in this way. His personal friendship for the hon. Member, however, and his entire coincidence of opinion with him on the great question which agitated the minds of the people of Ireland, would, however, render it impossible for him to treat otherwise than with great attention and consideration anything that his hon. Friend might do either in that House or elsewhere. He must say he had not heard anything in the course of this debate to induce him to vote for the Motion; and when the hon. Member for Montrose laid it down that all Members of that House were bound to perform all their duties as Members, he appeared to have forgotten that the hon. Member for Limerick and many other Irish Members had been elected on the principle of their not at all attending in that House, and that their coming here was a voluntary act, because they thought that by so doing they could best oppose the Coercion Bill. The hon. Member for Shrewsbury had remarked as a difference between the English and the Irish Members that the latter did not pay the income tax. He forgot, however, that so many of them resided in England, and therefore paid it. Those who remained would no doubt be very soon called on also by the Legislature; but, perhaps, the amount collected would not pay the expense of collection. He thought that his hon. Friend the Member for Limerick was quite right in taking every opportunity he could to bring not only Irish questions, but also the situation of Irish Members under the notice of that House; and he was quite

sure that in doing so he was not actuated by any desire to make himself a martyr, or to make himself more remarkable and popular in Ireland, for to do that would be impossible.

The House divided on the Question that the words proposed to be left out stand part of the question:—Ayes 139; Noes 15: Majority 124.

List of the AYES.

Acland, Sir T. A.	Ferguson, Col.
Aglionby, H. A.	Fitzroy, hon. H.
Aldam, W.	Flower, Sir J.
Antrobus, E.	Forman, T. S.
Arbuthnott, hon. H.	Forster, M.
Armstrong, Sir A.	Gisborne, T.
Arundel and Surrey, Earl of	Godson, R.
	Gore, M.
Bailey, J. jun.	Goulburn, rt. hon. H.
Baillie, Col.	Graham, rt. hon. Sir J.
Baillie, H. J.	Granger, T. C.
Baine, W.	Greene, T.
Baldwin, B.	Grey, rt. hon. Sir G.
Bannerman, A.	Grimsditch, T.
Barclay, D.	Hamilton, W. J.
Baring, rt. hon. F. T.	Hamilton, Lord C.
Baring, rt. hon. W. B.	Harcourt, G. G.
Barnard, E. G.	Hawes, B.
Beckett, W.	Hay, Sir A. L.
Blackburne, J. I.	Henley, J. W.
Blake, M. J.	Herbert, rt. hon. S.
Borthwick, P.	Hervey, Lord A.
Bowles, Adm.	Hodgson, R.
Bowring, Dr.	Hope, Sir J.
Brooke, Lord	Hope, G. W.
Browne, hon. W.	Hotham, Lord
Bruce, Lord E.	Howard, hon. C. W. G.
Bruges, W. H.	Hudson, G.
Buckley, E.	Hume, J.
Buller, C.	Inglis, Sir R. H.
Buller, E.	Jones, Capt.
Cardwell, E.	Kelly, Sir F.
Carew, W. H. P.	Lockhart, W.
Carnegie, hon. Capt.	Mackenzie, T.
Christie, W. D.	Maclean, D.
Clerk, rt. hon. Sir G.	M'Neill, D.
Colebrooke, Sir T. E.	Mahon, Visct.
Collett, W. R.	Mangles, R. D.
Compton, H. C.	Marshall, W.
Conolly, Col.	Marsland, H.
Corry, rt. hon. H.	Molesworth, Sir W.
Cowper, hon. W. F.	Morpeth, Visct.
Craig, W. G.	Neville, R.
Cripps, W.	Ord, W.
Davies, D. A. S.	Packe, C. W.
Denison, E. B.	Peel, rt. hon. Sir R.
Douglas, Sir H.	Philips, M.
Douglas, Sir C. E.	Plumptre, J. P.
Duckworth, Sir J. T. B.	Plumridge, Capt.
Duncan, G.	Polhill, F.
Duncombe, hon. A.	Powell, Col.
Duncombe, hon. O.	Rawdon, Col.
Dundas, D.	Round, J.
Easthope, Sir J.	Sandon, Visct.
Eastnor, Visct.	Scott, hon. F.
Escott, B.	Seymour, Sir H. B.
Estcourt, T. G. B.	Sheridan, R. B.
Evans, W.	Smythe, hon. G.
Ewart, W.	Somerset, Lord G.
Feilden, W.	Sotheron, T. H. S.
Spooner, R.	Vyse, R. H. R. H.
Staunton, Sir G. T.	Walker, R.
Stuart, Lord J.	Ward, H. G.
Strutt, E.	Wellesley, Lord C.
Sutton, hon. H. M.	Wilde, Sir T.
Tancred, H. W.	Williams, W.
Thesiger, Sir F.	Winnington, Sir T. E.
Thornely, T.	Wood, Col.
Trelawny, J. S.	
Trench, Sir F. W.	TELLERS.
Trotter, J.	Young, J.
Troubridge, Sir E. T.	Baring, H.

List of the NOES.

Bridgeman, H.	O'Connell, D.
Browne, R. D.	O'Connell, M.
Collett, J.	O'Connell, J.
Fitzgerald, R. A.	Powell, C.
Grattan, H.	Roche, E. B.
Kelly, J.	Somers, J. P.
M'Carthy, A.	TELLERS.
O'Brien, J.	Warburton, H.
O'Brien, T.	Brotherton, J.

The House again divided on the main Question:—Ayes 133; Noes 13: Majority 120.

MR. ESTCOURT moved—

"That William Smith O'Brien, esquire, having been guilty of a contempt of this House, be for his said offence committed to the custody of the Serjeant-at-Arms attending this House, during the pleasure of the House, and that Mr. Speaker do issue his warrant accordingly."

COLONEL RAWDON said, he should have been wanting in his duty to himself, and guilty of criminal weakness, if on account of any personal motives he had shrunk from supporting by his vote what he believed to be fit and right. But after the vote he had that evening given with so much pain to himself, he could not refrain from bearing testimony thus publicly to the great merits which did, he believed, attach to the hon. Member for Limerick. He was convinced there was not an hon. Member of that House actuated by more pure, disinterested, or patriotic motives than that hon. Gentleman. But he looked upon his duty in a different light from that in which he (Colonel Rawdon) regarded it. He hoped the House might be induced to pause before they proceeded to carry the measure suggested in the Motion before them into immediate execution. The opinions expressed by the friends of the hon. Member might have some weight with him, and if twenty-four hours' time were allowed him to consider the whole circumstances of the case, he might be possibly induced, in accordance with the feelings of the House, almost unanimously, to reflect on the course he had taken, and to retrace his steps. His conduct contrasted most disadvantageously, as far as the interests

of his country was concerned, with that of the hon. Member for Cork and the hon. Member for Kilkenny, who had not thought it their duty to pursue the course taken by the hon. Member for Limerick, In conclusion, he hoped that the House, having asserted its dignity, would give the hon. Member some time to reflect on his conduct, and on the wishes of his friends, before they agreed to the Motion before them.

Mr. J. O'CONNELL rose to protest against having any compliment paid to him, or having comparisons drawn respecting his conduct, at the expense of his hon. Friend the Member for Limerick. It should be recollected that if he served on a Railway Committee, it was at the commencement of the Session, when, if he had not, it was evident he could not have taken any part in opposition to the Coercion Bill. His hon. Friend at the present time had not the same reasons for answering the call of the House that he (Mr. J. O'Connell) had at the beginning of the year. The House would do well, now that it had passed a vote of condemnation by so large a majority, to pause before it resorted to the extreme measure of committal. Again, he called on them to reflect that if his hon. Friend were mistaken, he was actuated by the very strongest convictions of his duty. He had not hitherto shrunk from anything which he thought it was his duty to perform; and no man could be more unflinching in the execution of it. If his hon. Friend were mistaken, his sincerity at least ought to be respected. A pause of a week or a few days might give them some means of getting out of their difficulty. The House might certainly push matters to extremity; but if they did, their act would be looked upon as an indication of hostility to Ireland. ["No, no!"] Hon. Gentlemen who cried "No, no!" were ignorant of the real feelings of the Irish people; but he, who knew what those feelings were, could assure them that the people of Ireland most fully approved of the hon. Member's intentions and conduct. In saying so he did not mean to suggest any apprehensions of danger, or hold out any threat to the House; but he thought it a matter which was worthy the consideration of a Parliament representing not England and Scotland alone, but Ireland also. Understanding that a Motion would be made in reference to the present question, he would not occupy the time of the House by any further observations on the subject.

Viscount MORPETH said that having joined very reluctantly in the vote to which the House had just come, and being further prepared to join the vote of the hon. Member for the University of Oxford, unless circumstances should meantime occur by which he could consistently avoid that course, he should, before they went to a division, rather put it to that hon. Member, if it would not tend to make the House stand more straightly in the eyes of all, if some little time were given in order to ascertain whether the hon. Member for Limerick himself would not now be prepared to bow to the clearly proved and decided opinion of the House? It had been stated in the course of the debate that the hon. Gentleman himself did not entertain any very precise notion that in the course of conduct he was pursuing he was acting in contempt of the Orders of the House. Now that the House had expressed their opinion, it would be well for them to pause in order to see whether that expression of opinion had not had a corresponding effect on the sentiments of the hon. Member. Most cordially did he wish that it might be the case. In the course of the previous discussion an hon. Member alluded to the number of Notices connected with the interests of Ireland which the hon. Member had on the Papers of that House. With respect to the fate of those Notices, the hon. Member for Limerick must recollect that the steps he had taken was his own act. Let him not forget that he had not acted in this respect as the hon. Member for Cork had acted. That hon. Member, in no less a degree, and for no shorter period of time, had been occupied on subjects connected with the welfare of the Irish people, either in opposition or in support of them; but he had not thought it inconsistent with his sense of devotion to the Irish people, or with his attachment to the cause of Repeal, to take his part, in common with all the other Members, in the despatch of the private, local, and internal business of the three countries. The hon. Member for Limerick surely would not forget that the English and the Scotch Members had not omitted to take their parts in despatching Irish business; that unusual accommodation had been afforded to the decision of Irish railways; and that both Houses of Parliament had departed from the usual course, in order to secure immediate attention to Railway Bills for that country. He hoped the hon. Member would, on consideration, give way to the

opinion which the House had so clearly announced. But he thought the House would stand more highly with the people of this country, and—what he valued more in a question of this kind—with the Irish people, if they allowed some time to elapse, in order to show that the general sense of Parliament had been expressed in vain. But if the hon. Member for Limerick should not think proper to alter his previous determination in the meantime, he should certainly agree with those who thought they must follow up the vote to which they had come. Under all the circumstances, he begged to suggest to the hon. Member for Oxford whether it might not be better to withdraw his Motion, and, in place of it, to propose that the hon. Member for Limerick should be ordered to attend in his place, in order that the Speaker might communicate to him the Resolution to which the House had come.

Mr. ESTCOURT, in reply to the suggestion of the noble Lord, observed that he could only say he had been entirely governed by precedent in the course he had pursued. He knew of no precedent which could authorize him to withdraw his Motion, nor did he apprehend that any such precedent existed. In the course he had taken, he considered himself merely acting as the organ of the Committee of which he was the chairman, and in that capacity bound by the precedents afforded by the conduct of his predecessors, from which he believed it would be highly unbecoming to depart.

Mr. WARD: Surely the House never wanted a precedent for the calm consideration of the subject. The object of the noble Lord was merely to postpone the Motion before the House, not to withdraw it. It was by an inadvertency the word was used. It was utterly impossible, if the House proceeded to extremities at once, that the hon. Member could have any opportunity of making concession. It was only the duty of the House to assert its authority; but having done so, it ought to pause before it carried so harsh a sentence into effect. He had great pleasure in sitting seventeen days last year on an Irish Railroad Committee; but he certainly should not have done so if he had not thought the duty was reciprocal, and that Scotch and Irish Members sat on English Committees. If the House wished the public to respect it, it must first respect itself. However, under the present circumstances, he would suggest the postponement of the Motion to Thursday next.

Mr. O'CONNELL suggested that the Motion should be complied with, and the discussion postponed till Thursday. He spoke solely for himself; he had no communication whatever with the hon. Member for Limerick, one who in everything could decide for himself; the Motion being suspended till Thursday, only two days, could not tarnish the dignity of the House; he hoped that time would be given for a complete and distinct consideration of the subject.

Sir R. PEEL: The House has decided by a large majority—by 133 to 13, that a contempt of the authority of the House has been committed; that manifests on the part of the House, without reference to party distinctions, a very decided opinion on the subject, and I think it also manifests a decided determination to enforce its authority. At the same time, I do not myself think that authority will be prejudiced by giving forty-eight hours' notice of its intention to do so, I think we had better avoid saying what the alternative will be. I think we had better avoid throwing any difficulty in the way of the hon. Member doing that which I believe will be suggested by the advice of his Friends, by his own good sense, and his own unwillingness to go through the parade of making himself appear a martyr, against the general opinion and feeling of the House. My own opinion is, we had much better avoid placing any impediment in the way of the hon. Gentleman's calmly considering the matter. And I hope the hon. and learned Gentleman (Sir T. Wilde), whose opinion I so highly value on this question, and who is entitled to the gratitude of the House for the manner in which he has fought its battles of privilege, will concur with me in thinking that we shall not in the slightest degree endanger the authority of the House, which, in common with me, he upholds, not for the dignity of the House itself, but for the maintenance of the essential rights of the people, by using some forbearance, and affording some time to the hon. Member for consideration. Under present circumstances, the wisest course we can adopt is perhaps to adjourn the debate till Thursday next. I believe the course we are taking, in order to insure the maintenance of our own authority, is rather a novel one; and I am sure that a result not too hastily arrived at will be the most satisfactory.

SIR T. WILDE believed the course proposed to be a novel one; but he did not think that constituted an objection to its being pursued. He did not see that it could place them in any situation of difficulty out of doors; if any novelty in the proceeding could raise any new question elsewhere, that might form an objection to taking it. Considering the conduct of the hon. Member, the character he universally bore, and the evidence he had given that he was acting with sincerity and from correct motives, though perhaps from mistaken judgment, he (Sir T. Wilde) hoped he would not refuse to consider the consequences of his own proceedings. As far as he was concerned, he should be the last person to oppose the adjournment of the question for a short time.

MR. E. B. ROCHE had just had a communication from the hon. Member for Limerick, which applied strongly to the present question. His hon. Friend thought it quite unnecessary there should be any further delay interposed between the decision of the House and the enforcing of that decision. He assured hon. Gentlemen that he was not performing an agreeable duty; it was a task he discharged with the greatest reluctance; and nothing but a strong feeling of respect for his hon. Friend the Member for Limerick had induced him to undertake it. He was aware that the House had shown great anxiety that his hon. Friend should yield and adopt a reasonable course; and nothing but a strong feeling of friendship for the hon. Member could have induced him to get up in his place and put this unpleasant conclusion to the discussion. But his hon. Friend's opinion of the rectitude of the course he had adopted was so decided—he was so convinced of the expediency of bringing the matter to a settlement, and that this sort of discussion should be put an end to as soon as possible—that his hon. Friend had empowered him to make known to the House that his resolution and his opinion on the question remained the same. He thought it due to the House that it should be informed of it.

SIR R. PEEL: I doubt whether the House had not better take its own course; it will not be precluded by what the hon. Gentleman has stated from taking that course. As it is our judgment that we can afford the delay without establishing an inconvenient precedent, I think the debate had better be adjourned, and after the House has stated the course it is willing to pursue, it may be taken for granted there will be a general desire to permit us to resume the debate. Giving the hon. Gentleman full credit for fair and honourable motives, still the House cannot receive the statement as a reason for departing from its own course.

Debate adjourned till Thursday.

A short time afterwards, MR. POULETT SCROPE having began to address the House on his Motion relative to Waste Lands, the Speaker noticed Mr. Smith O'Brien, who had returned to the House, and said,

The SPEAKER: Seeing that the hon. Member for Limerick has returned to his seat, I should state that it is an unusual course to do so; it would be advisable that the hon. Member should retire till the adjourned debate fixed for Thursday next shall have terminated.

MR. S. O'BRIEN: I need not say I bow with the utmost deference to your decision, Sir, and your authority; at the same time, I should not have felt justified in withdrawing myself voluntarily, inasmuch as I have several Notices on the Paper for this evening, which I should have felt it my duty to have brought forward. [*The hon. Member then bowed to the Chair and quitted the House.*]

WASTE LANDS (IRELAND).

MR. P. SCROPE rose to move for leave to bring in a Bill for promoting the reclamation of Waste Lands in Ireland. He apologized for once more calling the attention of the House to a question connected with the relief of the Irish poor. He was in hopes that Her Majesty's Government would have saved him the necessity of doing so, by taking up this subject themselves. It was true, at the beginning of the Session several Bills were laid upon the Table of the House by the right hon. Secretary for the Home Department for the purpose of effecting similar objects in Ireland; the House shortly after passed a Drainage Bill, a Fishery Bill, a Public Works Bill, but he looked in vain for a Waste Lands Bill. The subject of Waste Lands in Ireland had, more or less, occupied the attention of Parliament for a long series of years. In 1809 a Commission was appointed to inquire into and report upon the Wastes and Bogs of Ireland, and that Commission made several very valuable Reports. In 1819, in 1830, and again in 1835, Committees on the state of Ireland had also taken much evi-

dence, and in their reports given very useful suggestions upon the same subject; but up to 1843 scarcely any of these recommendations had been adopted. In that year an Act was passed called the Drainage Act, which, from various difficulties thrown in the way, had never been largely carried into effect. He believed that if, some ten years ago, effectual measures had been taken to reclaim waste lands in Ireland, a source of employment would have been opened to the people, which would have prevented that country from being reduced to its present unfortunate condition; at all events the misery of the people would have been alleviated, and distress and crime would not have been so general as now. The Land Tenure Commission, over which Lord Devon presided, reported last year that in their opinion a proper system for reclaiming the waste lands in Ireland would not only prove, in a national sense, highly advantageous, by affording employment to the people, but would also be a highly profitable investment for those who would undertake it. The time, he thought, had come when it was no longer safe nor desirable that the reclamation of the waste lands should be left to a spirit of improvement on the part of the landlords, who had hitherto so completely neglected to take advantage of the opportunities at their command. Some intervention on the part of the Government was imperatively called for. Facts had proved that the voluntary efforts of the landlords alone could not be depended upon to effect any large development of this great national resource for the employment and support of the people. And if it were said that facilities should be afforded to them by the law to dispose of their waste lands more freely than they could do at present, the answer to this proposal would be, that with all the facilities that could be devised, or afforded to the landlords, they would still be too slow in their operation to meet the pressing demand of the population for fresh land to cultivate. And, moreover, the same evils would follow, which had always resulted from the practice of returning the land, without condition, after reclamation, to the landlord, to be by him let or sub-let as he might think fit. In fact, the very term "waste lands" was a disgrace to the social arrangements of such a country as Ireland, where thousands upon thousands of the population continually endured unexampled distress and destitution from want of employment. There were in Ireland no less than six millions two hundred and ninety thousand acres of waste land, of which more than four millions, according to the calculation of Mr. Griffiths, and four millions and a half according to the calculation of Dr. Kane, were capable of reclamation. This vast extent of uncultivated wilds was spread here and there almost over the entire surface of the country. In the provinces of Munster and Connaught there were nearly two millions of acres; and in the province of Leinster, the best cultivated district of the country, there were, notwithstanding, 700,000 acres. In fact, there was scarcely a county in Ireland in which a certain proportion of the soil, whether greater or smaller, was not waste and uncultivated, although to a very great extent capable of reclamation. For instance, in the county Donegal there were 400,000 acres of waste land, by far the larger portion of which might be reclaimed. In the county Mayo there were eight hundred thousand acres, of which one hundred and seventy thousand were reclaimable; and in Nenagh, the very heart of the county Tipperary, there was, in the midst of all the shootings, murders, and burnings, a vast tract of waste land, comprising from fifteen to twenty thousand acres. In the present condition of Ireland, was not this a shameful state of things? Most assuredly it was a state of things which loudly called for the interposition of Government. The beneficial consequences which would infallibly result from so important an undertaking as the reclamation of the waste districts of Ireland, had been attested by the highest authority. The evidence adduced before the Devon Commission had been, as he would show, quite conclusive on the point. [The hon. Member proceeded to read extracts from the evidence of numerous witnesses examined before the Commission in question, proving, by reference to experiments which had already been made, the easy practicability of accomplishing the object at no greater cost, on the average, than from 5*l.* to 7*l.* per acre; by which, in hundreds of instances, land worth but 1*s.* per acre, or less, had been rendered permanently worth a rent of from 20*s.* to 40*s.* per acre.] It was impossible, after reading this testimony, to entertain any doubt that a very large proportion of the four millions, or four millions and a half, acres of waste land in Ireland, might be reclaimed, not by a profuse outlay of capital, but by the judicious expen-

diture of that labour which was now unproductive in Ireland, and which consumed the resources of that country, without adding to or improving them. The value and practicability of the reclamation of waste lands had been also forcibly insisted on in a book published ten years ago, by Captain Kennedy, himself an active improver, and lately Secretary to the Devon Commission—a valuable work, which had been published under the somewhat curious title of "*Instruct, Employ, Don't Hang them.*" Captain Kennedy supported his proposition, namely, that it was idle to hope that any of those improvements on a large scale would come from the landlords, and that other means must be adopted to an extent that would relieve Ireland from the extraordinary difficulties in which it was placed. The time had come when measures should be taken, on the part of Parliament, to effect those improvements which the landlords themselves had neglected to undertake. If he were asked the reason why the tenants themselves did not improve those lands, it was, that they were not generally allowed that permanent tenure which was universally known to be the great stimulus to improvement. He referred to the evidence of Mr. J. M'Cann, Mr. Cassidy, and other persons, in support of this proposition. The usual mode, it would appear, for encouraging the improvement of waste land, was this, to permit a tenant to creep up a mountain side, or encroach on the edge of a bog; and after some time, when the land was made productive, the agent or landlord came down upon him and increased the rent, thus depriving the tenant of the advantages of the improvements he had made; and under those circumstances it was not surprising there should be a disinclination on the part of tenants to improve. The Hon. Mr. Cavendish stated, that in many instances within his own memory, tenants had reclaimed bad or waste land; but they received no encouragement to do so, for the rents were raised. The question was asked of Mr. Cavendish, if he found that system prevailed generally? His answer was—"Yes, on many estates." The question was then asked, "How soon after the reclamation of the land was the rent raised?" The reply was—in two years; and consequently, the tenants had no confidence that they would enjoy the fruits of their own labours. It was worthy of remark, that this had taken place in the county of Mayo, where two-thirds of the entire county were waste. He next referred to the evidence of the Rev. J. Halpen, county Limerick, and Mr. Maurice Colles, who stated that a feeling existed amongst the tenant class, that any improvements effected by them would be followed by an increase of rent. He would not have troubled the House in this way, but it was important to state the grounds on which he based his opinion that it was not desirable to leave to the voluntary exertions of landlords of tenants in Ireland the improvement of waste lands, which hitherto had been so much neglected in a country that so urgently called for improvement. Time was pressing—the population was increasing—the misery of the country was still growing. Twenty years ago, it was in a state that reflected disgrace on the country; and recent Commissions showed that the amount of distress and the number of persons unemployed were increasing up to this day. Again, there were clearances continually taking place. It was formerly the practice in Ireland for landlords to let land on lease for a term of years, or for lives, and those leases were day by day expiring. The consequence was, that the large number of persons who were encouraged to grow up upon the lands so demised, were placed at the mercy of the head landlord when he came into possession of the property. They had heard an instance on the preceding night of the mode in which those clearances were effected; and it seemed to be the general feeling in the House, that the mode in which that particular clearance was effected was only the proper application of the power of the landlord to deal with his property. He would not stop to inquire whether a landlord was justified in so dealing with his property, and ejecting large masses of persons from it; whether this act was done harshly, or in the supposed humane manner that had been referred to on the preceding night. At all events, such clearances had been continually taking place: they had been going on for a series of years, and would continue to take place probably in an accelerated ratio; and it was absolutely necessary to provide some resource for the poor people so evicted, who were now liable to starve on the highways, or in the crowded hovels of the neighbouring towns, to which they must resort in the vain hope of living by mendicancy. It was considerations of this kind that had attracted his attention to this subject, when he had the honour of being a member of the Public Works Committee in the year 1835.

He thought that the recommendation of the Report of that Committee with regard to the reclamation of waste land did not go sufficiently far; and he delivered to the Committee his own opinion on what he considered the proper mode of dealing with those lands. His opinion on the subject remained unchanged, and was the foundation of the measure which he would venture to ask the consent of the House to allow him to introduce. He would, with the permission of the House, read some passages from the Paper containing the recommendations he then submitted to Parliament for adoption. His suggestion then was precisely the same as his present proposition, namely, that they should by compulsory process—but only such process as was adopted in the case of all landed property when required for public purposes—purchase from the owners such tracts of waste land as might be wanted for the purposes proposed. That was the principle adopted with reference to land required for railways and turnpike roads. The precedent in regard to railways was applicable to what he now proposed. It even went beyond it; for the land taken for railways was generally cultivated land, whereas the lands sought by his proposition to be obtained were waste lands, and the object was to improve them. The proprietors could not justly complain that their property should be taken from them, for it would be taken at a fair valuation by the verdict of a jury, for the purpose of being reclaimed by a more rapid and extensive mode than it was likely they would themselves adopt, and for the purpose of giving a larger supply of food to the starving population of Ireland. He should adopt that proposal in preference to the recommendations of the Commission: all of which required the assent of the landlords to the improvements, relying more or less upon the activity and voluntary exertions of the landlords to effect those improvements, and which also left the land so improved to the landlord, to be dealt with by him, and let out in the ordinary way that cultivated land was let out in Ireland. But the great benefit which he (Mr. Scrope) conceived would result from taking those waste lands was this, that it would be in the power of the State to dispose of them in the manner most beneficial to the country, subsidiary to other measures of improvement for the advantage of the people of Ireland; not merely in employing vast numbers of labourers who were now destitute of employment, but in locating upon those waste lands—when more or less improved—a large body of that unfortunate class who, whether as labourers or ejected tenants, or persons who, from the pressing competition for land, were unable to obtain farms. It would be in the power of the State—and he thought it would be a most valuable and beneficial purpose to effect—to grant perpetuity leases, or to give fee-simple grants to those parties who were so located; which would confer on them that permanent interest in the improvement of the property which was only to be found in a long and endurable tenure. He thought it would be most desirable for Ireland to create an intermediate class of persons of that description occupying farms of their own, and who would be sure of reaping the fruits of their own industry. His proposal was this, to authorize the Board of Works to purchase tracts—not less than one thousand acres lying together—of waste lands, and to pay for them according to the valuation provided by the Drainage and Fishery Act of this Session; that the purchase money should be applied in the same way as directed by that Act amongst the parties interested; that the Board should be authorized to open up those lands, to make drains, and any other improvements they thought necessary; and should be recommended, when they had so opened up the lands, to divide them into farms of from five to one hundred acres; that they should be empowered also to commence the reclamation of same lots, and to offer such farms, whether wholly waste or partially reclaimed, either for sale, with a fee-simple title, or on lease in perpetuity for a fixed rent; but always with the option to the tenant to purchase the fee, if necessary, by instalments. This would be a great improvement upon the plan adopted by the Irish Waste Lands Society; and by it employment might be given to a vast number of people who were now idle. The example of the Waste Lands Society might in some other respects be followed; and he recommended that the system should be commenced as soon as possible, upon a large scale, for the purpose of securing the unemployed population of Ireland some means of subsistence. Some measure for enlarging and extending the Poor Law of Ireland could not, under any circumstances, be long delayed; and this scheme would enable the unions to send

their poor to those districts at once, where a large number of them might be usefully employed in an inexpensive manner. The rest would no doubt be absorbed by employment found for them upon the land already in cultivation, through the reactive influence of the Poor Law upon the landlords. It might be said that the farmers had no capital, and that they would not purchase the reclaimed land. On this point he assured the House that the farmers in the neighbourhood of Cork had more than 200,000*l.* lodged in the savings bank; and that many of them could afford to pay 100*l.* purchase money. There was a large amount of capital concealed in small sums among the Irish tenantry, and unemployed for want of opportunities of industrial investment. So far from there being any likelihood of a want of applicants for these farms, one witness before the late Commission frankly stated that the landlords would lose many of their best tenants by the adoption of this system, for they would leave their holdings and buy these reclaimed farms for themselves. But his proposal was not confined to the sale of farms to those who might be able to buy them, but they might be leased to a lower class, who had less means; in respect to whom he would remark that the tenants of the Waste Lands Society were enabled to go on without capital, cultivating one acre at a time, and it was expected that by degress they would bring their whole ten or fifteen acres into useful occupation. The Waste Lands Society had, in this way, no less than 18,000 acres under reclamation, all of which they expected would become profitable land. The Committee of 1835 recommended that facilities should be given to the landlords for improvements of this sort; but at the same time the hon. and learned Member for Galway, who sat at the head of that Commission, suggested that it would be desirable, if no greater progress was made in this direction than had been of late years the case, for Government to step in and undertake them. He recommended something like the same plan, which had already been adopted in the poor colonies of Belgium and Holland as a means of employing the able-bodied vagrants and mendicants, and such as showed an unwillingness to work. In this country we imprisoned vagrants who were found wandering without visible means of subsistence: his proposal was, that they should not be imprisoned, but employed productively. The case of the population of Ireland was so desperate, the want of employment so great, and there was also such a waste of subsistence, not to speak of the crime produced by destitution, that it was desirable Parliament should, by powerful measures, give employment to the population. In the reclamation of waste lands there existed these means of employment, which would also enrich the country, and which, far from taxing the landlords, would beneficially repay them for the expenditure. Mr. Thornton, in his philosophical work on Over-Population, held so strong an opinion in favour of some such plan as this, for enabling the starving people of Ireland to maintain themselves by reclaiming and cultivating the lands which the law now allowed individuals to lock up in unproductive barrenness, that he actually declared the Irish would be justified in calling for a Repeal of the Union, unless it were adopted. The hon. Member concluded by moving for leave to bring in the Bill.

Mr. SHARMAN CRAWFORD rose to support the Motion of his hon. Friend the Member for Stroud. At that hour of the night he would not go into much detail, but he wished briefly to notice one or two points connected with the subject. He thought that one of the most important steps that could be taken for the advantage of Ireland, would be the reclaiming of the waste lands; and he was also of opinion, that when that duty was not performed by the landlords, the Government ought to take it into their own hands. By having the waste lands in their possession, the Government would be able to provide allotments where there was an overflow of population, while, by introducing an improved and proper system of farming, they would be enabled to advance the agricultural education of the people. Above all, he looked on the reclamation of the waste land as one of the most essential modes of removing the horrors of the clearance system. He wished to call the attention of the Government and of the House to the Waste Lands Society of Ireland, as an instance of the great benefit that might be derived from their system being fully carried out. The hon. Member then read an account of the system followed by that society in reclaiming and selling their lands, and then continued to say that they had no other remedy for the state of the people of that country except emigration. When they reflected on the great expense of sending persons to a foreign land, how

could they think of adopting it while they allowed the waste lands of their own country to remain unreclaimed and unoccupied? The Bill which he had brought in last Session was only intended to provide compensation for those tenants who had made improvements; and some further measures were, therefore, clearly necessary at present to improve the condition of the people. That Bill would have been gladly accepted by the people of Ireland ten years ago; but neither it nor any measure of compensation would be now sufficient to satisfy the people. So much for delay. For these reasons, he would give his most cordial support to the Motion of his hon. Friend.

SIR J. GRAHAM had hoped some Irish Members might have been induced to follow the Mover and Seconder of this Motion, for he was convinced that on a matter of this description, local knowledge and experience were infinitely better guides than the wisest theories or the most specious arguments. He was, however, unwilling to offer opposition to a proposition of this kind; for, looking at the condition of Ireland, it was impossible to overlook the fact that with all that dense mass of population, vast tracts of that country were still uncultivated. At the same time, when he reflected that it was at so short a distance from this country, whence capital had such a tendency to flow wherever there was a prospect of profit, he thought it hardly possible there could be 4,000,000 acres of land capable of profitable improvement in a country where wages were exceedingly low, and yet that capital had not been employed in reclaiming them. He understood the hon. Gentleman to state broadly that by an outlay of not more than 10*l.* per acre these lands could be so reclaimed that in one year the crop would repay the outlay, or at all events that in six or seven years it would afford a good profit. But if private capital could not be advantageously laid out in such speculations, he feared the public money would be laid out still less advantageously. He observed, too, there was considerable difference of opinion between the Mover and Seconder of the Bill on some matters of great importance. The hon. Mover appeared to contemplate the erection on these lands of habitations of the humblest description, at an expense not exceeding 30*s.* for each hovel, while the hon. Member for Rochdale (and he agreed with the hon. Member entirely), thought that good tenements would be necessary; that moral habits and the enjoyment of the decencies and comforts of life were necessary ingredients for the success of any such measure; and without good cottages no such habits and decencies could be secured. Then, with respect to the subdivision of land, the hon. Mover proposed that the holdings should not exceed twenty acres, and he contemplated some not exceeding five; in which case it was manifest that tenements of the kind contemplated by the hon. Seconder would exceed the value of the land held by the occupiers. The hon. Mover also thought the reclaimed lands should be held in fee, on leases of long duration, or in perpetuity at a quit-rent; while the hon. Member for Rochdale (and in this also he entirely agreed with him) pointed out the expense which would be incurred in the undertaking, and that in consequence the holders should be placed under stringent regulations as to management, and should be removable for breach of covenant. The hon. Mover also thought the land so reclaimed should be brought in aid of the redundant population of those parts of Ireland which were now in cultivation; but inasmuch as these parties would be found to be most in want and destitution, that would be quite incompatible with the other part of the plan, that the land should be sold, which presumed the possession of capital. Whatever, therefore, was laid out for this purpose by the Government must be considered as sunk for the benefit of the destitute population of Ireland. He was not, however, prepared to discuss on this occasion a subject of such paramount national importance. But before he sat down he must advert to one statement of the hon. Gentleman—namely, that since he addressed the House on the subject ten years ago, nothing had been done for the instruction or employment of the people of Ireland. He thought, in making this statement, the hon. Member had hardly done justice to some measures which he, in common with the hon. Member had cordially supported. He had the satisfaction of stating that it appeared by the Report of the National Board of Education, that 400,000 children were receiving in Ireland as good an education as was given in any other country of the world. He stated this with confidence; and with respect to employment, even since they had assembled in the present Session, half a million of money had been granted for works, to afford employment to the Irish people. He hoped that these grants would lead to an advance of the productive power of that

country, and that although the present calamity was a severe one, good might ultimately result from it, and from the attention which in consequence of this calamity Irish subjects had recently received from the people and Legislature of England. With respect to the present Bill, when introduced, he would give it his best attention; and it was quite possible that in its progress through the House such Amendments might be made as would render it much more suitable than the outline now sketched for their adoption. For these reasons, therefore, he should acquiesce in the Motion.

Mr. E. B. ROCHE was anxious to see the Bill of the hon. Gentleman before he expressed his opinion with regard to its details. The right hon. Baronet said he could not understand how 4,000,000 acres of waste land could remain unreclaimed, if it were susceptible of being cultivated with advantage. Now the fact was, that the great bar to the reclamation of waste lands in Ireland was the law of entail, which rendered it impossible for the English capitalist to lay out his money with the prospect of repaying himself. Another bar was that persons would not take the land unless they could get leases; and there was, unfortunately, a foolish disinclination on the part of the Irish landlords to grant leases. The Bill under consideration proposed to invest the Board of Works with a control over the money to be granted under the Bill; this he strongly objected to, because a feeling was growing up in Ireland that that Board was wholly inadequate to the performance of its functions with advantage to the public interests. If the measure was taken up at all, it should be taken up in a comprehensive and independent manner, altogether apart from the "jog-trot" machinery at present in existence. With respect to distress existing in Ireland, although it was stated that half a million had been spent in that country for its relief, he was not aware of the expenditure of a single sixpence.

Mr. WYSE said, there must be some new arrangement to meet the dire distress that existed in Ireland, and the increasing population of the country. The great mass of the people of England were employed in manufactures; while in Ireland 7,000,000 out of the 8,000,000 of people were engaged in agriculture, 2,000,000 of whom were actual paupers, and 1,000,000 on the verge of want. The question for the Government to decide was, to provide the means of support for that population. The law should interfere to permit the landlords to regulate their property, as the people of Ireland were solely dependent upon agricultural labours. At present there were 5,000,000 of acres cultivable out of the 6,000,000 waste in Ireland. In case of landlords not having capital to reclaim these lands, it would be desirable that the Government should take the reclamation of them into their own hands. He would support the Bill, because it would be useful to Ireland; and he suggested that all the Boards in Ireland relating to the question should be consolidated. He entreated the right hon. Baronet to devote his earnest attention to the establishment of agricultural schools and model farms in Ireland.

Mr. A. LEFROY was gratified to find that such a measure as this was contemplated. An improvement of the waste lands in Ireland would be the most important benefit that could possibly be conferred on Ireland. He hoped Members on both sides would unite in supporting this measure.

Leave given.

House adjourned at half past Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 29, 1846.

Minutes.] Public Bills.—3a. and passed. Exchequer Bills (£18,380,200)

Petitions Presented. From Members of the Bath Church of England Lay Association, for Encouragement to Church Education Society.—By several hon. Members, from an immense number of places, for Better Observance of the Lord's Day.—By Mr. Forman, from Inhabitants of Bridgewater and its Neighbourhood, for Repeal of the Maynooth College Act.—By several hon. Members, from a number of places, in favour of the Roman Catholic Relief Bill.—By Mr. Dickinson, and Sir R. H. Inglis, from Wells and Bridport, against Union of St. Asaph and Bangor Dioceses.—By Sir R. H. Inglis, from Members of the Presbytery of Lorn, and Moderator and Remanent Members of the Synod of Aberdeen, against the Abolition of Tests in Scottish Universities.—By several hon. Members, from various places, for Rating Owners in lieu of Occupiers of Tenements.—By several hon. Members, from an immense number of places, for Limiting the Hours of Labour in Factories to Ten.—By several hon. Members, from various places, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. Patten, from several persons, for a Superannuation Fund for Poor Law Officers.—From Charles Green, of Liverpool, for Inquiry respecting certain Proceedings in the Liverpool Court of Requests.—By Mr. Charles Round, from Trustees and Managers of the Saffron Walden Savings Bank, for an Alteration of the Savings Banks Act.

STANDING ORDERS.

Mr. R. HODGSON moved the following Resolution of which he had given notice:—

"To discharge Order (23rd April), 'That it be an instruction to the Committee on every Private Bill, originated in this House, relating to any Railway, before proceeding with the merits of such Bill, to require to be produced before them, and verified by the Promoters, &c.;' and to move, in lieu thereof, 'That it be an instruction to the Committee on every Private Bill, originated in this House, relating to any Railway, to require to be produced before them, and verified by the promoters, &c.'"

He did not wish to preclude the Committee from obtaining the information ensured by the Standing Order; but he would leave them to get it in the course of their inquiries, with a discretion to enforce the giving of it, if necessary. The House had just had an instance of a Chairman being obliged to come down in order to obtain the leave of the House to proceed in opposition to this Standing Order; and he merely wished to place all Committees in the same position.

MR. T. S. DUNCOMBE said, he thought the hon. Member had made out no case whatever for the rescinding this Standing Order. The only case to which he had been able to refer, in which it was thought necessary to depart from this Order was that of some Scotch railways.

SIR G. CLERK agreed with the hon. Member for Finsbury, that with a view to being able to distinguish between *boná fide* projects and bubble schemes, the Committees ought to have all the attainable information possible before them.

MR. HODGSON said, as his Motion did not seem to meet with the approbation of the House, he would not press it.

Motion withdrawn.

ATTENDANCE ON COMMITTEES.

MR. ESTCOURT, in moving that Select Committees have leave to sit during the sitting of the House to-day, observed that a question was yesterday raised as to whether it would be the duty of a Member appointed upon a Committee to attend the House or the Committee when their sittings happened to be concurrent. He considered that the first duty of a Member was to attend to the interests of his constituents in the House; and if any Member of a Committee stated to such Committee that he was desirous of attending the House with the *boná fide* intention of taking part in a debate, it would clearly be the duty of the Committee to adjourn. Such adjournments, however, would subject the parties engaged n the prosecution of private Bills to considerable expense and inconvenience; and he was sure that, unless in a case of great importance, no hon. Member would request the adjournment of a Committee. He must add, that this was merely his own opinion, and that it was, of course, for the House to decide upon the question.

LORD G. SOMERSET agreed with the hon. Gentleman that the paramount duty of hon. Members was to attend the proceedings of the House.

SIR G. GREY said, the Order made by the House from time to time as to Wednesdays was simply this—not that Committees should sit, but that they should have permission to sit during the sitting of the House. If the five members of a Committee were aware that a debate of importance was coming on, and if they felt it their paramount duty to their constituents and to the public to be present at such debate, it was competent to them to adjourn the Committee and to attend the House. If the majority should deem it their duty to continue the sitting of the Committee, the other one or two Members might absent themselves; and the House had provided that the Committee might still continue its sitting. The absence of those Members would, however, be reported to the House, and they would be called upon for an explanation. If it had appeared that they had attended the House, even if they had not taken part in the debate—for he considered that many hon. Members most efficiently discharged their duty by listening to the debates, as he thought the House would admit—in his opinion their absence from the Committee should be thought excusable.

MR. AGLIONBY said, that during the early part of the Session the House was deprived of the services of a great number of hon. Members who formed the Committee on Petitions for Private Bills, and who might, in his opinion, be employed much more advantageously for the public interests. No less than forty-two members were appointed to investigate these petitions; they frequently sat five hours a day for four or five days in the week; and if it happened—as was sometimes the case from the pressure of their other duties, and the severe labour required from them on that Committee—that a quorum was not present, great expense and inconvenience were occasioned by the detention of witnesses in town. He considered that this subject deserved attention, with a view to relieve hon. Members from the performance of

duties which, in his opinion, were inferior to those they ought to be called upon to discharge.

SIR J. C. HOBHOUSE thought, that some general rule ought to be laid down with regard to the sitting of Committees, as well for the convenience of the public as of the House. He was Chairman of a Committee to which a group of Scotch railways had been referred, and which had adjourned over to-day. There were many witnesses from various parts of Scotland waiting to be examined before that Committee; and yesterday there were no less than ten counsel present, and, for aught he knew, twice as many agents. He mentioned this fact to show the enormous expense incurred every day, whether the Committee did or did not sit. He had seen on the Notice Paper for to-day two measures in which his constituents took very great interest; but as he was Chairman of the Committee, it could not sit in his absence, and as he was naturally anxious to attend the House, the only course they could take was (although he regretted the necessity of the step) to adjourn the Committee until to-morrow. He considered that it should not he left to the Committees to determine whether they would or would not sit on Wednesdays, but that some invariable rule should be laid down on the subject.

MR. M. GIBSON expressed his concurrence in the views of the right hon. Member for Nottingham (Sir J. C. Hobhouse). It appeared to him that the only remedy for the difficulties which had been referred to would be to preclude Committees from sitting concurrently with the House. The hon. Member for Salford (Mr. Brotherton) had suggested to him, that if both the Committees and the House sat on Wednesdays, the Committees should sit from eight to twelve o'clock in the morning. That hon. Gentleman was himself prepared to comply with such a regulation, and to attend Committees from eight o'clock to twelve on Wednesdays. His hon. Friends the Members for Manchester (Mr. M. Philips) and Durham (Mr. Bright) were naturally anxious to be present at the discussion of so important a measure as the Factories Bill; but they were unwilling to adjourn the Committees on which they served, because by so doing they would subject the parties concerned in the Bills submitted to them to an expense of 200*l.* or 300*l.* He considered, therefore, that it would be necessary either to adopt the suggestion of the hon. Member for Salford, or to give up the Wednesday sittings.

Motion agreed to.

BUSINESS OF THE HOUSE—DISTRESS IN SHETLAND.

On the Question that the Orders of the Day be now read,

MR. HUME said, that he wished to appeal to the Government, and to the hon. Member for Oldham (Mr. Fielden), with reference to the Order which stood first on the list (the Factories Bill, second reading). In a commercial country no question could be more important than one affecting the principles of labour. He was sorry to see that attempts had been made for some time past to interfere with the free application of labour—attempts which could not be reconciled with their general desire to set free every branch of commerce and of capital. He begged to suggest to the House, that a question of so much importance to the country should not be discussed in a thin House, when there were twenty Committees sitting, requiring the attendance of Members who might be anxious to take a part in the debate, and to request that the Government would give up some day at their disposal for this Bill, in order that it might be fully and fairly discussed.

SIR R. PEEL: So far as the importance of the subject is concerned, I should be willing to appropriate a Government night to its discussion; but it is really quite impossible that the business which the Government has already introduced to the House can make way for it. It is totally out of my power to yield a Government night for the Factories Bill, until those measures of commercial policy which are now before the House shall be disposed of.

MR. HUME did not think that there was any particular necessity for hurrying the Factories Bill. After the Corn and Customs Bill should be disposed of, as it was probably the Bill of next importance, it might perhaps come on then?

SIR R. PEEL: I can assure the hon. Member that there is business of the utmost importance to be proceeded with independently of those measures to which he has referred.

MR. BANKES hoped the hon. Member would not think it impertinent, after what had passed on his part, if he were asked whether, after the Corn Bill had passed, the hon. Member would vote for the Fac

tories Bill? [Mr. HUME: I shall oppose it in every stage.] Then, what were the friends of the measure to gain by delay? Wednesday was now the only day on which any public business was transacted, except business brought forward by the Government; and he must entreat the hon. Member for Oldham to persevere. When applied to some time since by some of the delegates from the manufacturing districts for his advice, his answer was, that the sooner the Bill was brought in the better; for he well recollected the mischievous effect of delay on a former occasion, when this Bill, after being approved by a decided majority in the House, was ultimately lost by an unfortunate consent to a short adjournment, which produced the unhappy result, not only of defeating the measure, but of bringing a certain degree of discredit on the House, from which it had not yet recovered. It was very desirable that the House should have an early opportunity of redeeming its character in regard to this subject, it having been greatly impugned by the change which unluckily took place in the opinion of hon. Members. The hon. Member for Oldham being now able to attend, he hoped nothing would prevent him from bringing this measure on at once; and, if the debate should be protracted beyond six o'clock, resuming it next day. The hon. and learned Member for Cork, who was in his place, would probably give way, as far as his Motion for to-morrow was concerned, and most likely the other hon. Members in the same situation.

MR. T. DUNCOMBE said, that a strong feeling had been excited in the manufacturing districts upon the subject of this Bill; and he thought, after the manner in which the feelings of the working classes had been trifled with on a former occasion, that the sooner their minds were set at rest the better. He also should be anxious, in the event of the debate being adjourned, that it should come on to-morrow immediately after the Privilege question. He would suggest to the right hon. Baronet, looking at the immense arrears of business, and its very unsatisfactory state at present, that he should at an earlier period than usual, take the Thursdays to himself for Government business. He as an individual Member was perfectly ready, and he was sure that others would concur with him, to give up his right to Thursday, in order that the public businsss might be proceeded with on that day.

MR. FORSTER was of opinion that few subjects of greater importance could be brought before the House than the proposed Bill. Few things could be more important to a country depending upon its manufacturing industry, than a proposal for compulsorily shortening the hours of labour in every factory throughout that country. There was one subject, however, the discussion of which was more important still, and that was the proposal for providing food for the people. The suffering of the people was always the first thing deserving the attention and the sympathy of that House. He trusted, therefore, that he might be excused for drawing the attention of the House and of the Government to a statement which had recently been entrusted to him relative to the dreadful sufferings of the inhabitants of an obscure and remote part of the Empire—he alluded to the Orkney and Shetland Isles. He regretted the hon. Member for Durham was not in his place—he believed he was attending a Committee—because that hon. Member had presented a petition to that House early in the month of March, signed by 7,000 of the inhabitants of the Shetland Islands against the Corn Laws. He was not surprised that they should have petitioned that House on that important subject; because, on Monday last a paper had been put into his hands by a gentleman of the highest respectability intimately connected with those islands, detailing a state of dreadful distress and misery which existed there—a distress and misery which he believed might be clearly traced to the operation of the laws against which they had so earnestly petitioned that House. In order to put the House in possession of the facts of the case, he would at once read the statement to which he had referred; it was as follows:—

"Letters recently received from Shetland all concur in stating that the islands are on the brink of famine. The crops of corn, at no time adequate to the subsistence of more than half the population (about 32,000 souls), were very ill got in last season, and, to add to the calamity, the stock of potatoes which the people are in the habit of keeping in pits during the winter, and on which they rely in a great measure for sustenance during the spring and early part of the summer, have been found, on opening the pits, nearly all destroyed by rot. There is very little meal in the islands, and the people have no money to purchase it with. Their fish is the only commodity they have to give in exchange for bread. The almost only customers they now have for their fish are the Spaniards. From eight to ten sail of Spanish vessels now resort to the islands annually for cargoes of fish;

and the Spanish merchants would be glad to send corn and flour in exchange for it, but the Corn Law prevents this from being done. A gentleman connected with the islands, resident in London, states that a vessel from Spain is now actually on the way to Shetland, in ballast, to load a cargo of fish, and would have taken a cargo of flour could the repeal of the Corn Laws have been depended upon."

Mr. COWPER: Sir, I rise to order. Is the hon. Member in order in entering into a long statement about the Shetland Islands when the Motion is, "That the Order of the Day be read for proceeding with the Factories Bill?" Or, if he be in order, I would ask him, whether he be right in wasting the time of the House by bringing it forward now.

Mr. SPEAKER: The House has not yet decided that it will proceed with the Order of the Day for the second reading of the Factories Bill. Any hon. Member, therefore, is in order in endeavouring to satisfy the House that it is not expedient to proceed with that Order.

Mr. FORSTER: I appeal to the House against the imputation which has been thrown out by the hon. Member below me (Mr. Cowper). It is entirely unfounded. Surely the case of these unfortunate people may be stated to the House without subjecting the Member whose painful duty it is to bring it forward to the imputation of wilfully wasting the time of the House.

Mr. T. DUNCOMBE said, that the course which the hon. Gentleman near him had thought proper to adopt, certainly did look like an indirect attempt to defeat the discussion on the Factories Bill, and he was satisfied that the public would so consider it.

Mr. SPEAKER: The hon. Member for Berwick is perfectly in order.

Mr. FORSTER: The statement which he was reading to the House when he was interrupted by the hon. Gentleman below him went on to say—

"In one respect the case of the poor Shetlanders is more desperate than that of the Irish. There are many great and wealthy landed proprietors connected with Ireland, who, it is to be presumed, cannot allow their tenantry to starve. In Shetland there are no such wealthy proprietors to whom a starving tenantry can look for adequate relief. The means of the few small proprietors in the Shetland Islands are very limited, and are already nearly exhausted by the necessities of a miserable tenantry. While Government is taking measures for rescuing the people of Ireland from famine, the case of the Shetlanders will surely not be overlooked."

He thought that the present was not an unfitting opportunity for adverting to the consequence of the delay of those measures which had been proposed by Her Majesty's Ministers. He could assure the House that there was the utmost stagnation in every branch of commerce, and that that stagnation was universally attributed to the delay in passing the Corn Bill. The people had no doubt but the Corn Bill would pass that House, though they had their fear of its success in the other House. His opinion was, that if that Bill should not pass the House of Lords, they would see a state of things in this country such as the oldest man in England had never witnessed; such, even, perhaps, as would find no parallel in the history of the country: that was the consideration which alarmed commercial men; for who would enter into speculations when they might conclude in such a crisis as he had referred to? Commerce, they might rely upon it, was a timid bird, and would not take its flight in a storm. In addition, therefore, to pressing upon the House the distress existing in the Shetland islands, he implored them to let nothing interpose between them and the passing of those measures of commercial reform which were of such vast importance to every branch of industry in this country.

Sir R. PEEL did not at all dispute the right of the hon. Member to speak upon the Motion for reading the Orders of the Day; but he must observe that he came down to the House at twelve o'clock that day in the fullest expectation that they would proceed with the Factory Bill. He did not call in question the right of hon. Gentlemen, but really he did think that they were not raising their character with the country by the exercise of that right. Notice was given that on a certain day a measure would be discussed, and he thought it would be to the public advantage, as well as maintaining their own character with the country, if they would facilitate the progress of business, and proceed with that measure. He hoped, then, there would not be any further continuation of discussion, except upon the Bill to be submitted to their attention. As to the passing of the Corn Bill, and the effect it would have in enabling those islanders to export fish to Spain, and receive corn and meal in return, he admitted that the bringing about such a result was desirable; but he did hope, that, on the present occasion, hon. Gentlemen would show forbearance in the exercise of their rights, the pressing of

which very much interfered with the progress of business.

Mr. MILNER GIBSON agreed that it would be an abuse of a privilege if hon. Members took occasion of the Orders of the Day to bring on subjects not immediately before them, with the view of delaying Orders which were upon the Paper for the Day. He agreed to the general principle; but he certainly thought that the case which had been introduced by his hon. Friend the Member for Berwick was a special case. ["No, no!"] He had no doubt but that those hon. Gentlemen who called "No, no!" thought that he was occupying the time of the House for the purpose of delay; but what would his friends out of doors, who had asked him to press the case of the Shetlanders upon the House, say to him if he forebore to do so when it was brought under consideration? It was a question of the utmost importance—it was one of present starvation—of a people not having sufficient food to preserve their existence—and he had no hesitation in saying that the Factories Bill was not a question of such pressing emergency as that. It was a case in which he should have thought that ordinary rules might have been broken through; and he said that his hon. Friend was perfectly justified in pressing that case upon the attention of the House, and in calling upon the Government to explain whether they had taken, or whether they intended to take, steps for the purpose of guarding against the continuance of the distress which he had pointed out. The distress in Ireland had come repeatedly before the House on the Orders of the Day; and as the hon. Member who represented the Shetland islands, was not present to urge their condition upon the House, he contended that his hon. Friend was perfectly justified in the course which he had taken. He must take the liberty of saying, that he feared that the hon. Gentlemen opposite, who came down to that House professing to take such a deep interest in the Factories Bill, had been animated rather by feelings of hostility to the Government, and that they were looking to an opportunity of putting that Government in a minority, rather than to any other object. Perhaps he was not justified in making that remark; but certainly that was what struck him as being the case, more especially when he remembered the course which many hon. Members had taken on that very Bill on a previous occasion. He wished to direct the attention of the House to the fact that these Shetlanders had not petitioned the House for money—that they had not asked for any grants for public works, or to promote employment in Shetland. All that they asked was that they should have the right of exchanging their fish for the corn and meal of other countries. Their belief was that if those obstacles which had been put in the way of the interchange of their fish for the produce of other countries were removed, that their distress would be materially alleviated; and he would appeal now to the hon. Member for Dorsetshire (Mr. G. Bankes) whether that Shetland case was not quite conclusive with reference to the Corn question? Could the hon. Gentleman explain to the House why he persisted in refusing to those islanders the right of exchanging their fish for Spanish corn? Could he point out in what way he had any claim upon those people? Could he show how he had enabled them to catch the fish which they wanted to exchange for grain? Had the hon. Member supplied them with boats, or with fishing-tackle, or had he in any way facilitated the progress of their industry? If not, how could hon. Members urge that he had any claim upon them; and by what right did the hon. Members say that they should not be at liberty to exchange their fish for food, until they had paid a toll for the benefit of the other landowners of this country? He called upon the House, by passing the Corn Bill without delay, to relieve the distress which existed in those islands; and he had no hesitation in saying, that so long as hon. Members opposite presevered in opposing the Corn Bill, they were contributing to the starvation of those Shetlanders. It was a question well deserving of the attention of the House; and he for one was completely indifferent to any charges of delaying other business—he was completely indifferent to any insinuations which either hon. Members opposite or hon. Gentlemen near him might throw out, because he believed that in pressing most earnestly upon the House the necessity of immediately relieving their starving fellow countrymen, he was discharging a public duty second to no public duty which an hon. Member could be called upon to discharge in that House. He quite agreed with his hon. Friend the Member for Berwick that before they brought forward any other great question they should dispose of those two great measures already before them—the Corn and Customs Acts.

The public mind could not occupy itself with half a dozen questions at the same time; it would be well, therefore, he thought, not further to interrupt the Orders of the Day, as by so doing they would only throw obstacles in the way of those great measures which had been introduced by Her Majesty's Ministers.

SIR R. INGLIS would not have said a word on this subject but for an observation that had been made in the course of the speech they had just heard. He admitted that the hon. Member for Berwick was not out of order in bringing this subject before the House; but he contended that there was something higher than the order of that House, which it was becoming in all of them to respect. He submitted to hon. Gentleman opposite, if, while they were strictly and literally acting within the rules of the House, they were not absolutely violating its spirit? The hon. Member who last spoke, had permitted himself to impute motives to the Gentlemen with whom he (Sir R. Inglis) usually acted, and with whom he coincided on the present occasion. He had stated, first, that their object was to place Her Majesty's Ministers in a minority; and, secondly, that they came down to the House with reference to this question of the Factory Bill for no real interest in the factory children, but for paltry political motives. Now, he would take the liberty to state what might have been far better stated by many of his friends around him, that they yielded to none on either side of the House in a deep devotion to that cause, which was almost a sacred cause, that had brought them there that day, and which had brought them together at a time—two years ago—when they were more closely united than they now were; and when it was still more painful for them to differ from those to whom they had been accustomed to look up with respect. He would not believe for a moment that any of those who voted in the majority in favour of the Factory Bill were actuated by improper motives. He believed they entertained the views they did from a deep sense of their personal obligations, irrespective of any party considerations whatever; and let him tell the hon. Member for Manchester, whatever sympathies he might express with the inhabitants of the Shetland Isles, that they would find at least as much sympathy on the part of those around him, who might nevertheless regret that that opportunity had been selected for bringing their case forward. The hon. Member had taken no practical step. Had either of the hon. Members proposed any Motion to the House? No; but after the speeches of a dozen hon. Members upon the miseries of the Shetland Islands, still the Question which the Speaker would have to put would be "That the Orders of the Day be now read." He regretted that those hon. Members should have adopted the course which they had, for he feared that whilst they were not taking the most effectual means to relieve the misery of the Shetlanders, they were taking very effectual measures to prevent those unfortunate beings, whose hopes had been so grievously disappointed two years ago, from obtaining that redress which he trusted the measure of the hon. Member for Oldham would secure for them.

Order of the Day was then read.

THE FACTORIES BILL.

MR. FIELDEN having presented twenty-six petitions in favour of the Bill, proceeded to say: Sir, I rise to move the Second Reading of the Factories Bill; but I cannot do so without expressing my great regret that this important measure has fallen into my hands, instead of remaining to be conducted to what I hope will be its successful result by Lord Ashley, who has done so much in this matter to endear him to the working people. I will state to the House, in the first place, what is the present state of the law affecting persons employed in factories. It is this:—Children from 8 years of age to 13, are allowed to work only six hours a day; from 13 to 18, twelve hours a day; no female more than twelve hours a day; and no person (male or female) under the age of 18, to work in factories in the night. The Bill I now propose to the House to read a second time will limit the hours of work of children between 13 and 18, and females above 18, to eleven hours a day (exclusive of time for meals) for one year, beginning August, 1846; and to ten hours a day (exclusive of time for meals) from August, 1847. This Bill, then, is only intended to limit the hours of labour of children between 13 and 18, and all females. Those two classes of persons have now to work twelve hours a day, which, with time spent in going to and from the factory, and the time of meals, makes fourteen hours' occupation—a period of labour much too long, in my opinion, even for adults; but if fourteen hours' occupation be too long for adults, who can

deny that that length of labour is a shameful infliction upon children from 13 to 18? I must say, that the Parliament has shown a total disregard of those between 13 and 18 years of age—a period of life well known to be the most critical, when more rest is required for the growing and weakened frame of a young person. The Factory Commission of 1833 reported to this House, that our demand for a Ten-hour Bill for all ages did not go far enough towards the protection of those whom we most desired to protect—that was the young children. They told you, that for children from 9 to 13 years of age, ten hours' labour was excessive; and therefore you passed the Act of that year, limiting the hours of such children's work to eight per day. Subsequently, you have again limited the hours of the younger children to six hours per day; but why, I ask, do you still keep up the hours of work for a child from 13 to 18 to the utmost limit that is compatible with the strength of an adult? The real reason of it is this—that the Government has always been so jealous of any interference that could possibly lead to a diminution of the labour of the adult labourer, that it has not scrupled to sacrifice the child that works by his side. The great care of the Parliament has always been, to legislate in such a way as that the adult should work as much as possible; my care and object is, that the child shall work no more than is compatible with its bodily strength, and with due time for mental and religious culture. I refrain from going into a detail of the bodily sufferings and the social condition consequent upon the long hours of work now imposed upon these young persons, because Lord Ashley has so often and so ably presented them to the House, and with so much minuteness, that the matter must be in the recollection of every hon. Member. Indeed, the right hon. Gentleman at the head of the Home Department (Sir J. Graham) has often admitted the grievance to be made out, and no Member of the Government has attempted to deny the truth of the case made out by Lord Ashley. I cannot, however, omit to remind the House that at length the clergy, both in England and Scotland, are petitioning the House to pass this Bill to restrict the hours of working these young persons, because they find it impossible to administer religious instruction to persons whose whole time is exhausted in labour. I presented a petition in favour of this Bill from the ministers and elders of the Free Presbytery of Dundee, praying the House to pass it, and setting forth that their own observation of the working classes had convinced them of the necessity for it. That petition caused a meeting, on the 13th of February, of the "millowners of Dundee connected with the Free Church of Scotland;" and that meeting passed some resolutions calling on the ministers and elders to "reconsider the object, with a view to abandoning the petition." The resolutions themselves I forbear, for the sake of the millowners, to read to the House. The ministers replied in a pamphlet which I hold in my hand, and in which they tell the millowners that—

"Whilst resolved, as opportunity shall serve, to multiply the means of education, and render more available those already existing, we must be permitted to remind you, that no school education, however protracted, or however excellent, can ever compensate to the factory female operatives between the ages of thirteen and eighteen for the want of that home education which forms the future housewife and mother. This, we believe, is at the root of most of the social evils of Dundee; and what but more time at home can provide the cure?"

In the *Scottish Guardian* newspaper of the 21st of this month, I find a report of proceedings of the Free Synod of Glasgow and Ayr, at which the subject of this Bill is taken into consideration, and the necessity for it strongly urged by the Rev. Mr. Gibson, who makes some observations so well worthy the attention of the House, that I will read a passage from his speech. Addressing his brother ministers, he says—

"Those of you who have paid any attention to these subjects, know what is the fearful state of our manufacturing population. I wish not to make general or sweeping charges; but the system is such as to make it impossible for private individual parties to extricate themselves, however much disposed, without some general legislative measure. The vast multitudes of this portion of the people are worn down in mind and body. They have not the time nor strength to attend upon the means either of religion or education. The hands of ministers of the gospel and other religious men are rendered powerless, and all your efforts fruitless. What is the state of the case? When you offer visits during the day, the male head of the family, and even the female head of the family, are employed in the factory. The greater portion of the junior members are there also. Even some of us, who have adopted the plan of commencing visits from six to nine in the evening, find that the greater portion of that time elapses before they can return from the long and exhausting labour of the day. As, for instance, in visiting a family in these circumstances between eight and nine in the evening, I found the parents at home; and just as I was finishing my exhortation, at nine o'clock, two young grown up and evidently respectable daughters had just come in from the factory

in another part of the city, having left their house at five in the morning. Suppose I had waited till ten o'clock, and it had been proper to do so, how could these young women be expected to sit down and hear my exhortation, exhausted, weary, and hungry? The thing is out of the question. Again, when you open classes for the instruction of young persons, a common experience is this, that when you commence in autumn you have considerable numbers, but as the biting frosts and colds of winter set in, your evening classes are deserted. Their exhausted frames cannot stand the cold; and it is a singular fact, that while in the country it is not the labouring population that complain of the cold, in the towns you cannot get the churches warm enough for those accustomed to the heated atmosphere of the factory; and, therefore, long hours of labour, in such circumstances, are most pernicious. The evil affects the attendance upon ordinances on Sunday. The exhausting labour of the week makes them lie in bed in the forenoon of Sabbath in too many cases, even of those who have still a regard to religion; and with vast multitudes of others there is a total alienation from Divine ordinances."

I cannot quit this point without reminding the House, that the children from 13 to 18 have no time in the week days for instruction, and that, consequently, their parents, rather than they thould have none, are in the habit of sending them to Sunday schools. With aching bones, how can they imbibe any profitable instruction? It is cruel to keep them cooped up on Sundays —the only day they have for recreation and rest. I am surprised that, although Parliament has legislated, at intervals, for forty years upon this subject, it has so totally neglected the pressing case of these young persons; and, though I never like to contend for this measure upon any other than the grounds which dictate it to me, and which I think ought to be paramount—I mean the justice and humanity of it—I will proceed to notice the objections that are urged against it. They are avowedly founded upon a supposed necessity for continuing the long hours of work, in order to maintain our present eminence in manufactures and commerce; and I am called upon to show that restricting the hours of labour would not cause a diminution of production, and a diminution of manufacturers' profits. My opinions on this point are principally formed from past experience; and I think that there would be no diminution of production, no diminution of profits, and no reduction of wages, attendant on the shortening of the hours of labour that this Bill provides. I have, with all my brothers, been all my life engaged in the cotton manufacture. I have been in the business ever since the first Act for the regulating of factory labour was passed, and extensively engaged in it too. I and my brothers are still engaged in it. We employ, altogether, between 2,000 and 3,000 hands. We are now increasing our works greatly; and I myself am bringing up all my sons to the same business. I state these things by way of assurance to the House that I have experience in the business of which I am speaking, and a great and increasing interest in its prosperity. I am capable of speaking of the effects of past legislation; and if the Bill be so destructive as its opponents have represented, it is a Bill to abolish the business of myself and my family. Let me remind the House, that no Factory Bill was ever yet passed without the House being stunned with predictions of the ruin that would ensue to manufactures; and all these predictions have been falsified by experiment. You put a stop to night-work in all cases, except by adult males of 18 years and upwards, which has practically abolished night-working in mills. You reduced the labour of children between 9 and 13 years of age from fourteen hours a day to six hours a day. You reduced the labour of all females above 13 years of age from fourteen hours a day to twelve hours, and thereby the labour of all working people in factories has been reduced to twelve hours the day. And what have been the effects of these reductions of the hours of labour? According to the predictions of millowners and political economists, foreign competition ought to have destroyed our manufacturing and commercial system, our mills ought to have been standing still, our manufactures ruined, and our workpeople starved. Have any of these evils overtaken us? No! I challenge anybody to show that wages for labour in factories generally were not as high in 1845 as at any time since the Act of 1819 for regulating factory labour was passed. As to the ruin by foreign competition, let me ask my brother manufacturers if they can say that the reduction of the hours of labour that has already taken place has had the least tendency to injure them? Nine Acts of Parliament have been passed for regulating factories, beginning with 1802, and proceeding on to 1844. Now, what effects have they had in diminishing our manufactures? How have they crippled the cotton trade? The first Act, except for apprentices, was passed in 1819; and, taking the consumption of cotton in English manufactories for that year, and then the consumption for the

years 1825, 1831, 1833, and 1844, all of these being years in which a Factory Regulation Act was passed, we shall see that the consumption of cotton goes on increasing greatly as these Acts are passed. Thus, the consumption was—

In 1819	109,000,000 lbs.
1825	166,000,000 lbs.
1831	262,000,000 lbs.
1833	287,000,000 lbs.
1844	490,000,000 lbs.
1845	532,000,000 lbs.

In short, there has been a progressive increase in the consumption of cotton in this country concurrently with the restriction of the hours of factory labour. Now, this proves clearly that there has been no decrease of production. Then, have the manufacturers decreased in wealth under this increase of production? I have no means of giving any comparative estimate of the wealth of the body to which I belong. But, if what I have read of speeches made by manufacturers at Anti-Corn-Law meetings be true, both as to subscriptions raised by the League, and as to their ability to buy out the whole aristocracy of the country, surely it will not become any Member of that body to stand up in this House and deny to those young children, whose services they must own, that protection from excessive toil which common humanity calls for, and which protection the right hon. the Home Secretary announced at the beginning of the Session would confer honour on our country. Besides the great increase in production, which I have shown already, I must refer the House for a further proof of it, and that it is continuing, to the Report of Mr. Horner, the Inspector of Factories, for the half-year ending the 31st of October, 1845. The House will recollect that this gentleman is speaking only of his own district. In page 3, he says—

"Since the last return to Parliament in February, 1839, there has been an increase in my district of 529 factories, of 10,021 horses' power, and of 50,522 persons employed. This increase has all taken place since November, 1842, when the revival of trade began."

He further states, that—

"The increase of power-looms in the last ten years is 79,088."

Now, I find that the increase here stated by Mr. Horner, amounts in horses' power to 25 per cent, in number of persons employed to 22 per cent, in three years; and that the increase in power-looms, in the last ten years, is more than 50 per cent. Now, unless some Gentlemen can show me an increase in mills, machinery, and the employment of hands equal to this in any part of the globe, I shall conclude that I have made out my case, and that no one need be scared by the cry, which is always set up when a Ten Hours' Factory Bill is asked for, that we shall be ruined by foreign competition. I estimate, that about four-sevenths of the cotton-wool produced in all parts, except that for the supply of China, is consumed in Great Britain; and it is this command of supply of goods in the markets of the world that insures us our customers. I am convinced, that if the House will concede this Bill, as I hope it will, we shall go on increasing our manufactures, and increasing in the employment of hands, quite as fast as we ever have done. The difference in the cost of the manufactured article to the consumer will be a mere trifle. Of those articles used by the poor, it would not exceed a halfpenny for a poor man's shirt, nor be more than one penny on a poor woman's dress, supposing wages to remain at what they now are, and the same sum be allowed to the manufacturer that he now has for his fixed capital. I say this as a manufacturer; and I feel a strong conviction that I am right in my estimate. I will not conclude my address to the House on this question without again expressing my great reluctance at having been compelled to argue it as a matter of pounds, shillings, and pence. In discussing it within and for myself, as a manufacturer, I have long concluded that the Bill ought to pass, because humanity requires it. As a Member of this House, I am guided by the injunction of Paley, that "the first duty of a legislator is to take care of the poor; for this plain reason, that the rich can take care of themselves." The arguments that I have used, in endeavouring to convince thrift that it will not suffer, have been wrung from me by the opposition that has been offered by the manufacturing body on every attempt to abridge the toil of their workpeople. I call upon the House, in conclusion, to recollect that as manufactures go on increasing day by day, as assuredly they will do, this species of labour is becoming, not merely the occupation of a class, but of a nation—that the vast hives of industry in the north of England and in Scotland must become more and more vast—that, with their increase, there will be necessarily an increase of the vices and miseries peculiar to them, and already abundantly proved; and I urge on the

House the necessity that there is for giving the young children, whose labour I seek to shorten, time for personal relaxation, time for education and religious instruction, time for observing the routine of domestic duties, without the knowledge of which, it is vain to hope that they will be a creditable or even a safe community.

Mr. AINSWORTH had great pleasure in rising to second the Motion of his hon. Friend the Member for Oldham. He was induced to do so from two motives: first, from a desire of shortening the hours of labour; and also from the hope which he entertained, that as a proposition had been held out by the factory operatives, stating their anxiety that this business should be compromised, Her Majesty's Government would propose an Eleven Hours' Bill, in which case the operatives would waive a Ten Hours' Bill, and come to an arrangement upon the matter. Under these circumstances he thought that it would be advisable at the present moment to see if all parties could not come to a satisfactory adjustment of the disputes which had so long existed between the masters and the operative cotton-spinners in the manufacturing districts. Such an arrangement would do away with all future agitation upon this vexatious subject. Having that day presented a petition from the borough which he had the honour to represent, he could not give a silent vote upon this question, and, therefore, without being solicited to do so by his hon. Friend the Member for Oldham, he had come forward to support the Motion for the second reading of this Bill. There had been various meetings in Bolton upon this question; and, from the sentiments which had been expressed by persons of all classes, it was evident that a very strong feeling prevailed that something should be done to reduce the hours of factory labour, the operatives being quite willing to incur the risk of reduction in the amount of their labour. If, then, the operative spinners themselves were willing to abide the consequences of the abridgment, he thought that the House had no longer a right to object to the principle that the hours of factory labour should be reduced. He remembered that some time ago a deputation from the manufacturing districts was appointed to wait on the right hon. Baronet the Secretary of State for the Home Department, to urge upon him the necessity of opposing the Bill of the noble Lord lately the Member for Dorsetshire. It so happened that among the members composing that deputation, was an individual who had declared to him that he would not relax one iota of twelve hours. He saw that individual the other day, who now said that he was anxious for an Eleven Hours' Bill, and that if Her Majesty's Government would propose such a measure, he was quite sure that the Bill would meet with general satisfaction. If so, the time had now arrived when some sort of compromise might take place. He had had the honour of presenting this day a petition in favour of the Bill, signed by the clergy and dissenting ministers of the borough which he represented; and he had also presented a petition to the like effect signed by upwards of 20,000 persons. He believed that on this question, like that of corn, there was not a difference of opinion on the subject that some arrangement ought to take place. At a meeting held the other day at Bury, Mr. Hinxman, a surgeon, in speaking of the evils which arose from the protracted hours of labour, said—

> "That many young persons employed as piecers had to walk forwards and backwards while at work in the mills upwards of twenty-four miles per day. He had often called at the cottages of factory workers, he had seen children come into the houses and immediately fall asleep on the floor before they had time to eat their supper; out of every 350 persons employed in factories only 144 of them enjoyed good health; whilst out of the same number of persons not employed in factories, 241 enjoyed good health."

That showed, therefore, what a loss of health was occasioned to individuals by the system of severe factory labour now generally adopted. But then came the question, how far the masters would be sufferers by a reduction in the hours of labour; and he admitted that this was a question which the House ought to take into consideration. Now at the present moment there were several master spinners who had for the last year or two years worked their mills only eleven hours per day. Among these was one of his (Mr. Ainsworth's) constituents, who by way of experiment had for the last year worked his mills only eleven hours per day; and he had had a good deal of conversation with him on the subject of the profit and loss which had resulted from the adoption of the system. The gentleman stated that he found that as much work as was formerly done in twelve hours was now done in eleven hours and a half, consequently, in point of time, he lost half an hour. He

said, however, that he thought he made that up by the superiority of the articles spun; and he stated that this superiority of the manufactured article gave the greatest satisfaction to his customers. Added to that he found that his workpeople were more healthy, and that there was a saving in wear and tear in gas, coals, and various expenses incidental to such an establishment, which, upon the whole, he said, fully made up for the loss of half an hour of factory labour. This individual had considerably enlarged his premises, and, in fact, had built a new mill; and he asked him, whether he intended to carry on the eleven hour system in his new mill, which that gentleman said he was quite prepared to do. He thought, however, that there were higher considerations connected with this subject than pounds, shillings, and pence. As legislators, they ought to take a higher view of this question, and to try whether they could not better the state of society among the working classes. He was very much pleased the other day to hear the sentiments expressed at the meeting which Lord Ashley attended at Bolton. At that meeting James Heywood, an operative employed by Messrs. Robert Knowles and Sons, said—

"That having been a factory worker upon the twelve hours' system, and experienced the change to eleven hours per day, he considered that he was enabled to speak of the beneficial result that had accrued from it, both to himself and fellow-workmen, which he would endeavour to do as clearly as possible, although he must acknowledge that a bad advocate sometimes spoiled a good subject; but they must forgive any mistake, and, selecting the goods parts for themselves, leave out the bad ones. He had attended meetings of their workpeople, and had never heard one of them say that he should like to go back again to the old system, for by the change the worst hour had been taken off, and had been put to the best; so that upon a fine day they were enabled to walk out and enjoy the refreshing breeze, the benefits of which they felt both inwardly and outwardly: outwardly, as invigorating the system; and inwardly, as by viewing the beauties of nature it led to thoughts and reflections tending to cultivate the mind. As regarded their physical condition, the women were the first object of their consideration, for their hours of labour were equally as long as those of the males; and he must say that since the change they appeared to be greatly benefited. The same might be said of the youths of both sexes. Work no doubt tended to preserve the body; but by over-exertion health was destroyed, and its sure end was death. As regarded education, there was no comparison between now and before they worked eleven hours; for he found that double the number were now engaged at night schools as compared with the twelve hours' system. He concluded by arguing that, as urged by some, short hours did not give a stimulus to go to the beer shops; but, on the contrary, that long hours were calculated to drive parties into the dram shop, to procure a stimulant to renew their strength from exhaustion."

He could cite many cases to a similar purport; but hon. Members were so familiar with the subject, that it was scarcely necessary to enumerate them. It was quite clear that if the hours of factory labour could be reduced, it would be a great boon to the factory operatives. Then, as to the loss which would accrue to the factory masters. He had already cited one opinion on this subject, and he now begged to add to that the opinion expressed by one very large millowner in the neighbourhood of Bury, Mr. John Robinson Kay. That gentleman said that he would give his cordial support to the Ten Hours' Bill:—

"He had for a long time past been an advocate for shortening the hours of labour in factories. The present system was injurious to the morals, as well as to the physical strength of the rising generation. If the hours of factory labour were restricted to ten hours per day, it would not, in the end, be injurious to either labourers or manufacturers."

This was the opinion of a cotton-spinner who employed 1,000 hands in the neighbourhood of Bury, and which deserved attention, owing to his high character and respectability. A great deal had been said on the subject of the system carried on in Mr. Gardner's mill at Preston; but hon. Gentlemen were so well acquainted with its details, that he would not fatigue the House by a reference to the way in which Mr. Gardner carried on his business. He believed that that gentleman still carried on his business on the eleven hours' system; and he wished to state to the House the advantages which had accrued to his workmen from the adoption of that system. He had received a letter that morning from Mr. Gardner, stating the advantages which had resulted from the reduction of the hours of labour from twelve to eleven. Mr. Gardner said—

"I beg to state that, in my opinion, they are generally enjoying better health now and since the adoption of eleven hours, than when working twelve. They express themselves so, and their appearance bespeaks it."

Now, in many concerns of this kind there were established sick clubs; and it was rather curious that in Mr. Gardner's establishment the sick society was scarcely ever called upon, at least to the extent it was formerly, from the less frequency of invalids in that establishment. Mr. Gardner said—

"The sick club formed amongst my workpeople

embraces about seven-eighths of the male adults in my mill; the particulars in relation to which fully bear me out in respect of the improved state of health enjoyed by the members of the club. I find on comparing two years previous to the adoption of eleven hours with two years subsequent, that the number relieved by this club was 60 per cent less in the latter period, and the expenditure 40 per cent less in the latter period, than in the former; the number of members in both instances being the same."

He did think that the House ought to take into consideration the saving of expense to the factory people by the adoption of this system, as well as their improved health; and if these facts could be proved, as from the character and respectability of the gentleman who furnished them no doubt they could, he hoped the House would take this question into its serious consideration, so that all parties might come to some terms by which an abridgment of the hours of labour in factories might be effected. But these were not the only advantages which the workpeople in Mr. Gardner's factory derived from the reduction. There were other considerations which ought to weigh with the House; and first among them was the subject of education, and the improvement of the social condition of the people. It was no use to lay out parks for the working classes, unless there were some alteration in the hours of labour. The operatives had frequently asked him at public meetings, how it was possible that they could take advantage of the kindness and munificence of those hon. Members who contributed their money to purchase parks for their recreation? They said that it was quite impossible for them to avail themselves of the intended boon, as they were so much fatigued after the hours of labour that they were obliged to go to bed. With regard to the question of education, if, by a reduction of one hour in the hours of labour, the working classes would be enabled to enjoy a greater amount of education than they at present received, he thought that would furnish an additional reason why the House should legislate by passing the present Bill. The following was the opinion of one of the workmen in the employment of Mr. Gardner as to the advantages enjoyed in this respect by the adoption of the eleven hours' system:—

"A good feeling existed between the employer and the employed; and again (which was an answer to a statement now seldom heard, that the factory operatives were wholly unfit for the boon they sought), that the numbers attending schools at night, before the introduction of the eleven hours' system, never exceeded twenty, but was mostly much under; and the numbers that now attended (many of them adults, and women learning domestic acquirements, without which they could never perform the duties of wives and mothers, including knitting, sewing, and many other domestic accomplishments), instead of being under twenty, was every evening considerably more than 100; and he had no doubt, by very little persuasion and management, would increase, until those attending night schools would comprise a good majority of the whole number of the hands employed at those mills."

If, then, by the reduction of one hour's labour, greater facilities were given for improving the health and morals of the people, and for enabling them to obtain a greater degree of education, that was a very strong reason for supporting the present measure. If the consideration of these topics could possibly weigh with Her Majesty's Government—and he was sure that no one could be more anxious than they were to consult the happiness of the people—he did think that they ought to seize the opportunity which the present moment afforded, when the factory operatives were quite willing to abandon a Ten Hours' Bill, if, as he was commissioned to say, Her Majesty's Government would come forward and propose an Eleven Hours' Bill. He called upon Her Majesty's Government to aid in effecting this arrangement, which would be looked upon as a great boon by the working classes, and which could not fail to redound to the honour and credit of Her Majesty's Government.

Mr. HUME was unwilling at any time to oppose what appeared to be the undoubted wishes of a large portion of the working classes; and having paid some attention to the various meetings which had been held in different parts of the country on this subject, and to the petitions which had been presented to the House, he felt bound to admit that the opinion of a large body of the working classes was decidedly in favour of a limitation of the hours of labour; but it was because he considered that a more dangerous proceeding to the commercial and manufacturing interests of the country could not possibly be adopted, that he thought it his duty, and the duty of every one who believed the working classes to be in error in holding this opinion, to stand forward and resist that which, if adopted, would ultimately ruin the best interests of the country. He had on no occasion been indifferent to the interests of the working classes. On the contrary, he prided himself that one of the first objects to which he had applied himself in that House was to free their labours from the restraint of all monopolies; and it was

from his experience of the good effects which had followed the adoption of that course, that he was induced to oppose the present proposal. Why, looking to the principles which the House were now avowedly acting upon, with respect to the freedom of our commercial relations, was it not contrary to common sense that they should one day be adopting a measure to relieve the capital and industry of the country from trammels, and, on another, imposing them on what were equally important—the capital of the labouring man—and not only on the capital of the labouring man, but the capital of the master who employed him? and he ventured to say that if this Bill became law, it would end in the ruin of the employer and the employed. Therefore it was that he objected to any compromise on this question. He objected to any further proceeding with a measure which would admit the principle that the House ought to enter upon a consideration of such a question. Although he had listened with the greatest attention while the hon. Member who moved the second reading of the Bill was speaking, he unfortunately had not been able to catch one single word which had fallen from him. He knew, however, what the opinions of the hon. Member were, having seen full reports of his speeches upon other occasions. He would, therefore, only address himself to the arguments employed upon this occasion by the hon. Gentleman (Mr. Ainsworth) who had seconded the Motion of the hon. Member for Oldham. There were undoubtedly circumstances under which, from the state of parties in the House, a compromise might be desirable; but he hoped that they had now arrived at a time when the principles of commercial freedom were clearly understood, and that the House would continue to act upon them. The hon. Member spoke of regulating the hours of labour, as if this country could regulate the hours of the whole world. Neither that hon. Member, nor those who thought with him, seemed to bring forward a provision for meeting the rest of the world—such as Belgium and Germany—for instance, who were now rivalling our manufactures. They did not attempt to show how if we were shackled, and those countries free, we could meet them in the foreign market in respect to the cheapness of our produce. And what would be the result if we should cease to supply the foreign market, which now gave employment to many millions of our countrymen? The effect would be such that he suspected the working man, instead of complaining that he had too much work, would soon begin to complain that he had no work at all, and would be the first to call for the repeal of the Act which they were now so anxious to see passed. He thought that if the House were now to pass a Ten Hours' Bill, they would have an Eight Hours' Bill proposed before long, as it would be difficult to draw the line where the limitation should stop. They might rely upon it the good sense of the country would be found opposed to any interference with the market of labour. It could be productive only of deplorable results. No man in the country would be found more ready and willing than he to alleviate the condition of the labouring population; and if he thought the proposed measure likely to alleviate that condition in the least degree, he would most willingly vote for it. But he was convinced that such a legislative interference would be but laying the foundation of distress and misery. Why, if such rules were to be laid down by law for the regulation of the labour of workers in factories, should they not likewise regulate the hours of labour of grocers, and of every other description of tradesmen in the country? Time, indeed, had been, when the House thought that it could really, with benefit to the industrial population, lay down rules and regulations for every class; but had it not been subsequently admitted on all hands that every man was the best and the fittest judge of the manner in which his time should be employed, and of the object to which it should be applied? If this interference with the free application of labour were to be admitted, why should domestic servants be exempted? Why not introduce a clause whereby domestic servants should be prohibited from labouring during more than ten hours of the twenty-four? [*Laughter.*] Hon. Members might laugh; but he held that if a principle were good, it should bear to be tested by such extreme suppositions. But let them apply another form of test. Let them see what would be the effect upon the finding employment for the poor of an overburdened parish. If in his parish he had a number of hands, say 100 or 200 unemployed, how would he propose to find them support? Why, by manufactures. There was no limit to be placed to the employment which might be given by manufactures. If the markets could be met by low prices, the manufacturers of all the world could be contended with by the

people of England. But that could not be done if the terms of labour were to be interfered with, and certain limits placed to them. He therefore warned hon. Gentlemen opposite connected with the agricultural interest to beware how they interfered, by legislation, to place restrictions on trade and manufactures; for every mill that was closed tended to increase pauperism, to raise poor rates, and endanger the property of the country. No one deplored more than he did the long hours of the working classes; no people in the world laboured so hard, or so long, as the English; and if it was possible to devise any means of relieving them from a portion of their labour, and enabling them to devote some portion of their time to instruction in order to elevate themselves in the scale of society, he would be the first to adopt them. But he was convinced the tendency of this measure was to lower the wages of labour—to throw many out of employment, and deteriorate the condition of the working classes. The receipts from land, and the funds might, as a means of income, be described as very great; but if they adopted measures to diminish the whole amount of capital paid in wages, they would rapidly affect most injuriously every interest in the country. Master and labourer should be left to make what bargains they pleased; the State ought not to step in and authoritatively interfere with the capital of the one, or the labour which was the capital of the other. It had been said that the factory workers were ready to take the chance of any reduction of wages; but the wages paid by the manufacturer formed only one portion of his expenses. The cost of running his machinery must also be taken into account; and if his expenditure under both heads did not enable him to produce an article at a certain cost, it would be impossible for him to compete with the foreigner. The hon. Members who had originally proposed to shorten the hours of labour, had declared their unwillingness to interfere with the action of machinery; but the House had gone from step to step until machinery was presently to be stopped altogether, although it had been clearly proved by the evidence given before Mr. Senior and the other Commissioners, who had visited the manufacturing districts, that profits depended on the last hour or two hours' operation of the machinery in factories. This showed how dangerous it was to interfere in such a case. When evidence was taken in the years 1824 and 1825 before Committees of that House, selected to inquire into the matter, the distress which was then complained of was attributed, not to the long hours of labour, but to the existence of a combination amongst the masters to keep down the rate of wages. The arguments of the hon. Member for Bolton in support of the Bill appeared to him to be the very strongest possible against the interference with the freedom of the labour market; and so convinced was he of the total impolicy of such a measure, both by his own previous convictions and the arguments he had heard, that he should move as an Amendment, that the Bill be read a second time that day six months. Before moving the Amendment, however, he thought it right to advert to some arguments which had been accidentally placed in his way a few days since, and which showed strongly the impolicy of the factory law altogether. He meant the petition presented from the ropemakers on the Clyde, by which it appeared, that out of fifty-three rope and twine makers on the Clyde, only eight worked by machinery, and those eight were subjected to all the annoyances of visits from inspectors and surgeons, and were liable to be punished for even permitting boys to be upon their premises. So that if strange boys strayed in, those manufacturers were liable to punishment under the provisions of the Factories Act. Now that was really monstrous, yet that was the law as it at present stood; and one of the consequences was, the increase of demoralization and crime. What he wished was, that masters and men should be left to make the best bargains with each other they could. Great advantage, it was said, had arisen from the abridgment of twelve to eleven hours' labour in Mr. Gardner's mill at Preston. That was all very well; but that had taken place without the interference of the Legislature; which interference was what he decidedly objected to. If they interfered with the employment of the young, it was incumbent on them to provide for their instruction; if they compelled them to be idle, what would be the result? Their parents were too poor to send them to school, and they were left to wander about the streets. Any interference with the rights of parents and masters was against principle, and must lead to mischief; and he trusted Her Majesty's Government would give their strenuous opposition to any such extension of a vicious system as the measure now before them. If they put restrictions upon trade, they would tend to throw an additional number of those

at present employed in manufactures on the poor rate of the country, and would tend to deteriorate the population. He entreated the House to pause and consider the present situation of their manufactures. All the world was now open to the enterprise of manufacturing places; country gentlemen, perhaps, might not be aware how little would turn the markets of the world against this country. He would mention one fact in proof of this: up to a certain period the Russian army was clothed with cloth supplied by this country. An additional duty was laid on wool, that applied to all kinds, fine and coarse; this raised the price of the article, and the consequence was the cloth of Belgium came into competition with the cloth of our manufacturers, and by that country the Russian contract had been ever since supplied. A very small amount, a halfpenny npon a pound or yard, was enough to turn the scale of commerce against them. He implored the House not to be led away by the idea that they were promoting the cause of humanity by such a measure. There ought to be no compromise upon it; they should act upon principle, and that would require them to reject the Bill. He was not prepared to repeal all the legislation of the past; he would not go into that —sufficient unto the day was the Motion before them; but he thought they ought not to proceed on a wrong course when they were convinced it was erroneous.

Sir G. STRICKLAND thought the present question came under the notice of the House under better auspices and with better chances of success than it had ever appeared before; he thought a great change had taken place in the opinion of the master manufacturers in the great manufacturing districts. Many who had heretofore been most violently opposed to the measure were now shaken in that opposition; many—and the fact was highly creditable to them—had adopted eleven hours as their time of working instead of twelve. He had presented several petitions, among them one from the workmen in Mr. Gardner's factory in favour of the limitation. They found all who had tried the experiment were highly gratified with it. The workmen stated, that if they did lose any wages, the small loss was not to be put into competition with the immense benefit they derived from the short hours of work. Nor was it among the manufacturers only that this change of opinion had taken place; many Members of that House had been shaken in their opposition to legislation on this subject. He thought that even the hon. Member for Montrose did not now stand on that very high ground he did formerly, in his opposition to all interference between masters and labourers, because, though he still deprecated all legislation on the subject, he now made an exception in the case of young children. Now, it was from finding that the parents could not protect their children that the necessity for this interference arose; it was found that custom prevailed over their power. Parents could not prevent their children being employed for fifteen hours a day to stand against the power of machinery. The Legislature had already adopted measures preventing children under thirteen years of ago from working more than six hours a day. He recollected that those who condemned legislating on this matter said, if the restriction took place, they should see the end of the manufactures of England; if young children were not allowed to work twelve, thirteen, or fifteen hours a day, there was an end of the cotton and woollen manufactures. The change had taken place; the number of working hours for young children had been reduced to six, and he was inclined to think the manufactures of England were in a more flourishing state than ever they were. Now, what was it they asked for in coming forward with this question? That children and young persons of the ages of thirteen to eighteen should not be required to labour in manufactories against the power of machinery for a greater number of hours than was required of the strongest agricultural labourer in any part of England. For, after all, if the Bill were a Ten Hours' Bill, it would, in fact, require the same number of hours as the agricultural labourer had; it was for ten hours' labour, and two hours for meals; as the law stood at present, it required young and helpless persons to labour twelve hours, which, with two hours for meals, compelled them to be fourteen hours from home, thus depriving them not only of the comforts of life, but the means of improvement, by which they might hope to move in a more respectable situation than they did at present. He was convinced the more the question was discussed, and the oftener it was brought before the House, the more the opposition to it would continue to be shaken, and the more plainly it would appear that it could be no detriment to their manufactures to protect children and young persons, and to prevent them from working beyond their strength. All he contended for was that there should

be some exception to the general rule, and that where children and young persons could not protect themselves, the law should step in, and, as a matter of humanity, give them that assistance.

Sir J. GRAHAM said: Although, Sir, I might have been, on the personal ground of indisposition, unwilling to address the House during the discussion of this morning, yet, as the question now stands, I think it is expedient that some Member of Her Majesty's Government should state what is the course they, as a Government, intend to pursue. The hon. Baronet who has just sat down has truly remarked, that this subject has, in the present Parliament, undergone an ample and full discussion. On former occasions it has been my duty to state to the House the principles which would guide my decision in reference to the question we are now debating. It is not a new question; it is one of paramount importance, which must be decided on great and leading principles. It has been my duty carefully and dispassionately to reconsider all the opinions, in reference to this subject, which I formerly entertained, and which I have endeavoured to express; and, considering the great interests at stake and the importance of any decision Her Majesty's Government may adopt in reference to such a subject, I should have thought it unpardonable not to have reviewed with more than ordinary caution the principles on which I have acted. I have done so, and I am bound to state to the House that the most careful consideration I have been able to bestow on the subject, has not led me to change any opinion I have before avowed with respect to this measure. It is, therefore, my duty to resist its farther progress. I will now endeavour to remove some of the obstacles to the free discussion of this measure, which have, I think, occurred in the course of the present debate. First, the hon. Member for Montrose says he deprecates any compromise. Certainly, it must be observed that the question, as it now presents itself, appears to be one not so much of principle as of detail, and therefore a compromise might on that ground be less objectionable, and a settlement by compromise might reasonably be anticipated. But I must say the petition presented by the hon. Baronet the Member for Preston (Sir G. Strickland) shows how fallacious the hope of any benefit from such compromise would be. The hon. Baronet called particular attention to the petition of the workmen of Mr. Gardner's factory. That gentleman, with a most praiseworthy beneficence, believed it was possible to combine the interests of the master and the workmen; he tried the experiment of working his machinery for eleven hours, and much reliance has been placed upon that experiment. Yet the workmen of that manufactory have this day presented a petition, not in favour of eleven hours, which would be a natural compromise, but they go a step further, and present a petition in favour of the limitation to ten hours. With regard to the observations which fell from the hon. Member who moved the second reading of this Bill, and whose conduct on this matter is beyond all suspicion, because his motives are pure, generous, and disinterested, what he says on the subject is entitled to the utmost respect. He referred to the Bill restricting the hours of labour brought in in 1819 by the late Sir R. Peel. All that Sir R. Peel proposed by that Bill was, not that ten hours should be the limitation, but twelve, which is now the law. The limitation proposed by Sir R. Peel only applied to children from 8 or 9 years of age till the age of 16. I know not that I can agree altogether with the hon. Member for Montrose, in regretting the steps the Legislature has already taken on this subject; I should be prepared to vindicate the steps which up to this time have been sanctioned by the Legislature. The hon. Member for Oldham admits that, with respect to children, everything has been done that the most tender care and paternal solicitude could require. No child under 8 years of age is permitted to work in any factory of the four great staples of the country—cotton, wool, silk, and flax. The Act of 1819 limited the hours of work for young persons to twelve, but imposed no restriction beyond the age of 16. But what has been done in later times? what has been done in the last ten years? No children under 8 years of age are admitted to manufactories at all; we have gone further, no children between the ages of 8 and 13 are allowed to work more than six hours and a half in any one day; careful provision is made during five out of six of the working days that the education of these children shall be conducted in a manner regulated by law—the quality of the education so given having been improved—for the space of three hours. Therefore as respects children the law is in a most favourable state. I admit the question has not been settled as a matter of principle, but by an agreement among parties. We have said that no young person between 13 and 18 shall work more than twelve hours in each four-and-twenty.

But we have gone a step further; in consequence of the social duties imposed upon the female sex, we have said that no adult female shall be employed during the night. The measure we are about to decide upon says it is expedient to alter the said Acts for the purpose of further restricting the hours of labour for young persons and women. Let us hear the grounds on which it is proposed. There is no dispute as to the practical effect of the most important Act to which I have alluded; though in terms it does not impose any restrictions upon male adult labour or upon working machinery, yet virtually this enactment as to the hours of labour for young persons and women places as complete and as stringent a limitation upon the employment of adult labour and of machinery as if these had been restricted in express terms. I don't think there is any dispute, or any room for dispute, on that point. Having cleared the ground so far, let me entreat the House to consider for a moment the immense magnitude of the subject we are discussing. First of all, what is its bearing on our trade? What proportion do the exports from the four branches of our manufactures which may be affected by this measure bear to the whole exports of the country? I say, fearlessly, that the aggregate exports of those four branches of our manufactures constitute three-fourths of our whole exports; and they amount in value annually to between 30,000,000*l.* and 40,000,000*l.* Then, consider the wages paid to those who are employed in those manufactures. I am informed that not less than 225,000*l.* are paid weekly in wages to the operatives so employed; and the population dependent upon those branches of manufacture is not less than half a million. If we adopt the measure now proposed, and if it be erroneous, it is no trifling error we are about to commit. It touches our staple manufactures; it hampers our foreign trade; it affects the industry of half a million of our population; it bears upon wages amounting to nearly a quarter of a million, paid week by week. It is impossible to say whether we can consider any question of more vital importance in respect of the manufactures which are touched by the measures now proposed, or in respect of the classes who are interested in those manufactures. This is my first objection to the further progress of the Bill: I object also to the time at which we are called upon to discuss it. In the present Parliament the subject has undergone most ample consideration. An hon. Gentleman observed that the working classes were greatly disappointed by the course which had been pursued by this House in reference to the proposition for the reduction of the hours of labour to ten hours. I absolutely deny that this House ever decidedly pronounced for a ten hours' measure. The proposal in favour of twelve hours was rejected by the House. The Motion of Lord Ashley to substitute ten for twelve hours was also negatived. From the difficulty consequent on these two adverse votes, I then introduced a fresh Bill; and the measure we are now discussing embodies the identical clause which Lord Ashley moved on the occasion to which I have now referred. It is, *totidem verbis*, the same clause which was then rejected by a majority of 295 to 198. I wish the House, then, to consider the state of matters incident on the legislative settlement of the question which was ultimately adopted. All the arrangements of trade have been framed upon that decision, as fixing the period of labour; and I object therefore, so recently after a settlement of that description, to reverse a decision which I think was, upon the whole, a just and a wise one. I must refer to other circumstances which seem to render the present moment inopportune for interfering with the existing arrangements, affecting, as they do, interests of such magnitude. In the course of this Session we have come to some most important decisions with reference to the manufacturing community. A portion of those decisions is not yet operative as law, but there is another portion which is now actually in operation. That which is not operative exempts the consumer of corn in this country from the burden imposed upon him in the enhancement of price, which is the consequence of restrictions imposed upon the importation of corn from other countries. But there is a portion, as I remarked, which is already operative, namely, that which exposes our manufactures to free competition with the manufactures of foreign countries. Reductions of 15 and of 10 per cent have been proposed on the duties which have hitherto been levied for the protection of our staple manufactures. Those reductions have been carried into effect. The removal of protection from our manufactures is in full operation. But the benefit to be received by the consumer from the repeal of the Corn Laws as yet is suspended; and it is somewhat hard upon the manufacturing population to be exposed to foreign competition, while at the same time they are excluded from the benefit which, as consumers, they

would derive from the free importation of foreign corn. What is the measure now before the House, but an attempt to trench upon the capital of the labourer? It has been said, "Don't treat this as a question of pounds, shillings, and pence." What are wages? Pounds, shillings, and pence. You cannot deal with the question of capital or of labour, except upon the acknowledged principles of legislation in regard to social polity. But, as to the effect of this measure, can it be otherwise than a matter of vital importance when you abridge the hours your machinery is to run by no less than one-sixth part? To that extent will this measure affect labour, and, as I think, infallibly operate upon wages. The intensity of foreign competition absolutely prohibits a rise of prices; and the effects of such a measure must, therefore, be met by a reduction of profits. What are the effects of a reduction of profits? One of these is its tendency to produce a reduction of wages. I have heard something said, as if a reduction from 12 to 11 hours would make very little difference in the quantity produced. Reference has been made to an experiment, of which I find an account in the *Manchester Guardian* of April 4. The experiment was tried at one of the mills of Horrockses, Miller, and Co., of Preston, and the statement to which I refer gives the following results:—

COUNTS OF YARN SPUN, 30's TO 40's.

Time.	Hand Mules.	Self-acting Mules.	Throstles.
Quantity spun in 69 hours, average of 4 weeks ending February 20	307,525 draws.	714 lb.	721 lb.
Quantity spun in 64 hours, average of 4 weeks, ending March 27.....	287,016 do.	651 lb.	665 lb.
The proportionate quantity for 64 hours, as against 69 hours, should be	285,240 do.	662 lb.	668½ lb.

The quantity, it thus appears, spun in 69 hours was 307,525; the proportional quantity for 64 hours being 285,240. The workmen, notwithstanding every exertion on their part to go beyond the average quantity and obtain a result favourable to the reduction of the hours of labour, brought the quantity worked in 64 hours up only to 287,016; the experiment showing a diminution of produce, by working 11 hours per day instead of 12, to the extent of 6⅔ per cent on hand-mules, of 7⅞ per cent on self-acting mules and on throstles. It seems clear, therefore, that the result of the experiment is unfavourable to the proposition which is now before the House. Assuming that the effect of this measure falls upon capital, if you reduce the hours of labour from 12 to 10, I cannot put the loss to the manufacturer by any calculation at less than a tax of 16 per cent upon that capital. But, as I have already said, the capitalists will shift a large portion of their loss from a reduction of profits to a reduction of wages. Take the supposition that a reduction of profits is avoided by a reduction of wages. The sole capital of the working man is his labour. His hard lot is to earn his bread by the sweat of his brow; in pain and sorrow he eats it all the days of his life. Take care, then, lest from motives of mistaken humanity you aggravate his lot. I know nothing more praiseworthy, nothing more worthy of the admiration of the working classes, than the patient endurance with which the operatives in the manufacturing districts strive to improve their condition. You must take care lest you offer any impediment to their progress. You must keep in view the effects which your interference may have on their moral condition. If you add to their poverty, it will degrade their situation in life. I am certain it will not promote their morality. Any measure which interferes with their labour is fatal to their independence, and every measure fatal to their independence is injurious to their morals. I yesterday received, I may say had the honour of receiving, a deputation from the working classes. I never heard arguments in favour of a measure which had a bearing on the personal interests of any parties stated with greater clearness and moderation. If this were a matter of feeling, my judgment would be biassed in their favour; but I stated to them what I state now to you, that it is no pedantic adherence to the principles of political economy that induces

me to oppose the measure now before the House; but I oppose it because I do believe it is for the good of the working classes, rightly understood, that we should not carry this abridgment of the hours of labour further than it has already gone. I am persuaded that a measure imposing a tax approaching to 16 per cent upon the little capital of the working man, would be one of the most grinding and oppressive measures that the Legislature, by design or by inadvertence, ever passed. I am persuaded that in the long run the working classes themselves would be the great losers. The hon. Member for Montrose most opportunely brought a fact before us to-day, which shows the inexpediency of interference. We did not contemplate bringing the ropemakers under the operation of the existing Act. But by the legal construction of the Statute, they are found to come within its range. What is the consequence? Why, that both masters and men concur in telling you that you have inadvertently committed a great error and a great injury in limiting the hours of their labour. I believe there are other cases which have not as yet been brought under your notice. Were I to dwell on the subject, I should only restate what has been already laid before the House. While we abrogate the protecting duties by which our great manufacturing interests were favoured, let us not trammel their exertions by further interference such as is now proposed; we expose them to competition with foreign manufactures, carried on without limitation, without interference, with none of those surgeons' visits which have been the subject of complaint, with none of those regulations which are so vexatious, yet so indispensable if the law is to be enforced at all. But all I ask is, that you will not hastily and prematurely depart from the decision which you so lately pronounced on this subject, and which, indeed, is itself a violation of sound principle, in favour of the measure now proposed, which goes beyond the existing law, and is not defensible upon any general principles whatever, and which is not proved necessary by experience. I believe that in France the hours of labour are from 72 to 84 in the week; in Russia, from 70 to 90; in Austria, from 72 to 80, and so also in other countries, while by law in this country they are limited to 69. You are, by the willing acquiescence of your trading community, labouring under this restriction, about to expose them to free competition with countries which are not subjected practically to any limitation of the hours of labour, or of the working of machinery. They said, "Repeal, if you will, all protecting duties." The protection duties are gone. You have consented to more than that. You have actually allowed the export of all your machinery. You have allowed the export of your coal. You have given every facility to foreign manufactures. And under these circumstances British manufactures must enter the arena; all you are asked to do is to give them fair play. I have reviewed my opinions upon a most important branch of commercial law. I have satisfied myself that the Corn Law is injurious as it stands, and further, that it is unjust to the great body of consumers. I have exposed myself to all charges of inconsistency. I have sacrificed all personal prejudices, preconceived opinions, and presumed interests. I take no credit for doing so. I have come to the conclusion that the law as to the importation of corn ought to be altered. In this matter my judgment is not warped by personal interests. If I could have satisfied myself that I had come to an erroneous conclusion on a former occasion when this subject was submitted to the House, I should certainly have adopted the same course, and would not have hesitated to avow a change of opinion, and give my support to the hon. Member for Oldham (Mr. Fielden). Having shortly stated my reasons for opposing the measure he has proposed, and having conferred with my Colleagues on the subject, I believe I may state on their part that their decision concurs with mine, that, upon the whole, no ground has been laid for further interference. There ought to be no hesitation on the part of the Executive Government in a question of this kind; and I announce our firm determination to resist the further progress of this Bill.

Mr. M. PHILIPS rose to address the House with great satisfaction, after the speech of the right hon. Baronet—a speech which was as convincing as it was sound and judicious. He had no hesitation in saying that he had no interest in opposing a Ten Hours' Bill; to him it was a matter of most perfect indifference whatever number of hours was legislated for; but he was bound to look at the condition of the great masses of the people of this country, and to legislate upon such a subject with the utmost caution. There had been one fact adduced in the course of this debate of great importance, and he should be

surprised to find it attempted to be disputed by any hon. Member. They had been formerly met with a declaration, that, if a Ten Hours' Bill were passed, there would be an equal quantity of work done as in twelve hours. He thought that fallacy had been fully exposed by the experiment which had been made, with a most praiseworthy object, by several manufacturers, the result of which had been correctly stated by the right hon. Baronet. It was a fallacy to suppose that with a Ten Hours' Bill the workmen could produce an equivalent for that which they now received twelve hours' wages, when he considered the machinery at the present moment. Then it came to this question, whether, supposing the workmen did the same quantity of work as they now did in ten hours, they were content with ten hours' pay? He believed if the question were decided by the ballot, the workmen would decide the other way. To expect that an individual could earn the same amount of wages for ten hours' labour that he now did for twelve, was an absurdity. It had been said that the working people were ready to run the risk. Assuming that they were so, was it the part of the Legislature to suffer them to run such a risk? He would ask, if the working classes did expect any advantages from a Ten Hours' Bill, how it was, on former occasions, when work was good and wages were high, there never was any combination to compel the Members to try the experiment? The masters would have been ready to make the experiment. He must deprecate interfering with adult labour. The House was not now legislating for women or children, but for heads of families. However he might run counter to the opinions of his constituents upon this subject, who might, if they thought it just and proper to do so, withdraw their confidence from him, he could not refrain from expressing his opinion that, by passing this Bill, the Legislature would inflict upon the trade of this country, though with the best intentions, one of the severest blows which it had ever suffered; and would cause the greatest injury to the working classes themselves. He looked at this question in a general point of view—in a national point of view, and he took his stand upon the sound arguments of the right hon. Baronet. After the address the right hon. Baronet had just delivered, he had thought himself bound to offer himself to the House, and to express his cordial concurrence in the view the right hon. Baronet had taken, and he should feel it to be his duty to record his vote in opposition to the second reading of this Bill.

Debate adjourned till Wednesday, May 13th.

House adjourned.

HOUSE OF LORDS,

Thursday, April 30, 1846.

Minutes.] Public Bills. — 1ª. Exchequer Bills; Insolvent Debtors Act Amendment; Western Australia. 2ª. Religious Opinions Relief.

Petitions Presented. From a great number of Charitable Institutions, against the Charitable Trusts Bill.—From Whitechapel, Colchester, and Folkestone, for the Better Observance of, and against the Sale of Intoxicating Liquors on, the Sabbath.—From Henry Walker, of Clerkenwell, in favour of the Charitable Trusts Bill.—From Nenagh, for the Advancement of Public Money for the carrying on of Public Works in Ireland.—From Wigan, for the Adoption of an Efficient Ten Hours Bill, and for the Better Regulation of Factories.—From Clergymen and others of Manchester, complaining of the conduct of Contractors employed in the Construction of Railways, and stating that they do not take proper care for the Prevention of Accidents, and for Inquiry.—From Glasgow, against the Burghs (Scotland) Bill.

CHARITABLE TRUSTS' BILL.

The Duke of CAMBRIDGE presented a petition against the Bill from the Trustees of the Foundling Hospital.

The Duke of WELLINGTON presented a similar petition from the Trustees of the Lying-in-Hospital in Brownlow Street.

Lord CAMPBELL: My Lords, I have a similar petition to present from the Worshipful Company of Cordwainers; and also four petitions, with a like prayer, from different Trustees of Charities in Coventry, administered both by members of the Church and Dissenters. I do trust, my Lords, that my noble and learned Friend (Lord Brougham), whose opinion has so much weight with the Lord Chancellor, will exert his powerful influence to induce the noble and learned Lord on the Woolsack to relieve the country from the anxiety which this Bill occasions. There have been a vast number, I may say an absolute showever, of petitions presented to your Lordships against this Bill; but although my noble and learned Friends have exerted all their great influence with the country to induce petitions in its favour, I can only hear of one which either has been, or is likely to be, presented; and that one is signed by a solitary individual. I do not believe that that solitary petition will weigh for one moment with your Lordships against the general expression of public opinion, and therefore I trust the Bill will be withdrawn, and the country thereby be relieved from its anxiety.

The LORD CHANCELLOR: My Lords, I do not believe that the withdrawal of this Bill would be a relief to the public mind in any way whatever, though it might, indeed, be a relief to the minds of some of these petitioners, who, as I shall soon have an opportunity of showing you, have been proceeded against, in consequence of the reports of the Commissioners of Charities for the recoveries of moneys which have been entrusted to them for charitable purposes, but which they have applied to their own private and particular purposes.

LORD COTTENHAM then presented petitions from the Trustees of a Charity in Coventry, and from the Society for the Propagation of the Gospel in Foreign Parts, both deprecating the passing of this measure into law.

LORD BROUGHAM: My Lords, I also have a petition to present on the subject of this Bill. It is from a private but a very respectable individual, who prays your Lordships that the Bill may pass into a law. He says, my Lords, that it is not only his opinion, but the opinion of many others, that the funds consecrated by the pious munificence of individuals to charitable purposes, are too often perverted to purposes of jobbing and of corruption, to guzzling and to gluttony, which my noble and learned Friends near me (Lords Campbell and Cottenham) appear to patronize—not in their own persons, of course. Oh no! not in their own persons, but in endeavouring, as they are endeavouring, to excuse these persons, and to exempt them from the operation of an efficient remedy and consequent punishment for their abuse of the property committed to them. [*A cry of* "Name."] Oh! I do not wish to conceal the name; the petition proceeds from Mr. Henry Walker, a chemist, I believe, in St. John Street, Clerkenwell; and when my noble Friend talks of this being the only petition in favour of the Bill, and of its proceeding from a private individual, I beg to remind him that the question is not as to the number of persons who may sign a petition, but whether they are right or wrong. Now, Mr. Walker happens to petition for what is right, whilst those who confide their petitions to my noble Friends petition for what is wrong; and therefore, of the two, I think Mr. Walker's petition, though it is only the petition of an individual, is entitled to the greater weight. But I will say nothing further on the subject at present, excepting only this, that I trust the measure will be brought forward as soon as possible, that we may be able to give it due consideration, and pass it into a law during the present Session.

RELIGIOUS OPINIONS RELIEF BILL.

The LORD CHANCELLOR, in moving the Second Reading of the Religious Opinions Relief Bill, said, he wished briefly to state to their Lordships the circumstances under which the measure originated. A noble Lord (Lord Beaumont), in the Session of 1844, introduced a Bill for the purpose of repealing several Acts of Parliament imposing penalties and other disabilities upon Her Majesty's Roman Catholic subjects. The Acts of Parliament, and the clauses of Acts of Parliament, which it was proposed by that noble Lord to repeal were so numerous, and the subject itself was so complicated, that he (the Lord Chancellor), on the part of Her Majesty's Government, proposed to the noble Lord to transfer the Bill into his hands, he (the Lord Chancellor) undertaking to make inquiry into the subject, and to bring forward such a measure as he thought might properly and safely be passed into law. The noble Lord acceded to his request; and he (the Lord Chancellor) accordingly referred the Bill to the Criminal Law Commissioners, requesting them, on the part of Her Majesty's Government, to report upon the subject. When the Commissioners had made their Report, the Session being considerably advanced, he (the Lord Chancellor) was pressed by the noble Lord to bring in a Bill upon the subject; and, as he found it impossible at that time thoroughly to investigate the whole subject, he selected those Acts or parts of Acts which were most objectionable, and to the repeal of which he thought no sound objection could be made. Accordingly, he introduced a Bill which met with very slight opposition in that House, and which was passed unanimously by the other House of Parliament. That, however, was considered by himself, and he had so stated it at the time, to be an imperfect measure. He then pledged himself to their Lordships that he would refer the whole question, not only as it related to Her Majesty's Roman Catholic subjects, but to other persons dissenting from the doctrines of the Church of England, to the Criminal Law Commissioners, and that he would bring in a Bill founded upon their Report. In pursuance of that pledge he referred the whole subject to the Criminal Law Com-

missioners, at the head of whom was the late Chief Justice of India, Sir Edward Ryan. They investigated the subject, and produced a very learned, elaborate, and able Report, which had been laid upon their Lordships' Table, and which he had no doubt many of their Lordships had attentively considered. He requested the Criminal Law Commissioners also to frame and prepare a Bill founded upon their Report; they complied with his request, and produced a Bill, a copy of which was also laid upon their Lordships' Table. The second Bill formed a part of the Bill to which he now referred. He had thought it prudent to divide the Bill into two, for reasons which he would shortly state. One part of it related to oaths to be taken by persons dissenting from the doctrines of the Church of England, and the other part to those disabilities under which such persons rested; and it was that which formed the subject of the present Bill. He considered there might be more difficulty and more doubt with regard to the former part of that Bill, so framed by the Commissioners, than with regard to the latter part; and as he was very desirous that the present Bill relating to disabilities should pass into a law, he thought it much better to bring it forward by itself. It was with this view that he had reduced the Bill into its present shape and compass. This then was its history. It related, he believed, to more than thirty Acts of Parliament, and parts of Acts of Parliament, imposing penalties upon different classes of Her Majesty's subjects. As far as related to a great proportion of the Acts of Parliament referred to in this Bill, there could be no sound objection to their repeal. He laid down that as a position which in the result would not be controverted. It was possible, however, there might be some doubts and difficulties with regard to repealing some of those measures. It might be considered proper that some of them should not be repealed. What was the course which their Lordships, under such circumstances, would think ought to be pursued? Their Lordships would, of course, allow the Bill to be read the second time, and when it went into Committee the particular measures would properly come under consideration. He was anxious to state this, in order that their Lordships might be in full possession of the case. If they concurred with him there would be no difficulty at this stage; and with the utmost candour and with the utmost desire to give satisfaction, he would consider any objection that might be made in Committee to particular parts of the Bill. It would be his duty now, which he should perform as plainly as possible, to run through the Acts of Parliament, or parts of Acts of Parliament, which it was proposed to repeal. Their Lordships would find, upon looking at the Bill, that those different Acts of Parliament were arranged in the order of their dates. He should consider them in the same way as far as was possible, consistent with the nature of the subjects to which they applied. The first Act mentioned in the Bill related to persons of the Jewish persuasion. On this subject there were two Acts—one the 53rd Henry III., and the other the 18th Edward I. As to the first of these Acts doubts had been entertained whether it was an Act or an Ordinance—whether it was a mere Ordinance by the King in Council, or whether it was an Act passed under the authority of the Legislature. It was not his intention to enter into that discussion; he would only state, as the result of the inquiries he had made, that he was satisfied it was an Act of Parliament, and he founded his opinions on this consideration, that at a very early period after it had been passed, it appeared to have been treated as an Act of Parliament in two instances in our courts, the records of which still remained. By the provisions of this Act of Parliament, persons of the Jewish persuasion were prohibited from holding lands. They were allowed to occupy houses and to possess houses for their own habitations, but they were not permitted to hold lands. He did not mean to enter into the controversy, whether that was or was not law at the present day. About the middle of the last century that question was the subject of investigation after the repeal of the Jews' Bill; and Lord Temple, in their Lordships' House, requested that the Judges might be summoned for the purpose of giving their opinion upon the subject. Noble Lords of that day, however, were of opinion that the House could not call upon the Judges to give their opinion, because no Bill was before the House, and no proceedings pending to justify them in calling for it. No opinion, therefore, was given at that time; but in consequence of the doubts then entertained, the opinions of very eminent lawyers were taken upon the subject, and they generally concurred that there was no prohibition against persons of the Jewish

persuasion, only as to land. It was proper he should remind their Lordships that this particular statute was not then alluded to; in fact, it was not known, and it was not then printed in the Statutes: it was only in the present century that its authenticity had been established beyond a doubt. Doubts consequently had been previously entertained, but there could be no question of it now; and their Lordships would agree with him that it was an Act of Parliament which ought to be repealed. The next Act of Parliament to which he should refer was the Act of Edward. That Act was still in force. It was one that was degrading to persons of the Jewish persuasion; it subjected them to many indignities. Among others, they were required to wear badges denoting their religious persuasion. It defined the size and form and all particulars of those badges, which badges were to be worn by persons both of the male and female sex. Could their Lordships have any doubt whatever that this Act ought to be repealed, that it ought no longer to disgrace the Statute-book? Could any person entertain the smallest particle of a doubt upon such a question? He had thus, as far as related to these two Acts, shown their Lordships that they ought to allow the Bill to be read the second time. The next Act to which he would call attention was the Statute of the 5th and 6th Edward VI.; but he could not properly treat the subject of that Statute without also referring to the Statute of Elizabeth and the Statute of Charles II. upon the same subject. A Form of Prayer was settled in the early part of the reign of Edward VI. In the 5th and 6th years of that Sovereign that Form of Common Prayer was amended and altered; and an Act of Parliament was passed establishing that amended Form as the Form of Prayer which was to be used in all churches and chapels in the kingdom; and certain penalties for a departure from it, to which he should advert, were introduced into that Act. That Form of Prayer was afterwards altered, in the 1st year of Elizabeth. The penalties were then continued, and further penalties were added. Everybody knew that in the 13th and 14th years of Charles II. the Form of Prayer was again altered—not materially, but in some circumstances; and the Act of Parliament, which required the new Form of Common Prayer to be used in all churches and chapels, revived or continued all the previous penalties applicable to the former Forms of Common Prayer. To a few of those penalties he should shortly advert. The Act prohibited any person from frequenting any place of worship where any Form of Prayer was used different from the Form of Common Prayer mentioned in the Statute; and the penalties were, for the first offence, six months' imprisonment; for the second offence, a year's imprisonment; for the third offence, imprisonment for life, he believed, or, at all events, for a much longer period than for the second offence. These penalties were still in existence. In the Session before last their Lordships relieved the Roman Catholics from these penalties, wisely, in his opinion; but the same reason which led their Lordships to repeal them, as far as related to Roman Catholics, would equally apply to all Dissenters. How was it possible they could still continue these penalties? They tolerated religious dissent—they tolerated the Presbyterian form of worship, for instance, in this country—they allowed that form of worship; and yet they said, that the person professing that form of worship, and adhering to the Form of Prayer incident to it, should, for the first offence suffer a penalty of six months' imprisonment; for the second offence, one year's imprisonment; and for the third offence, imprisonment for life, or for some long period. The same argument applied, until the Session before last, to persons professing the Roman Catholic religion, when it was repealed as far as the professors of that religion were concerned. But, what a system of legislation was it—what a correct system of law was it, to continue the penalty to one form of religious worship, while it was repealed as to another? It was also applicable to persons of the Jewish persuasion; and they, it should be recollected, could not get rid of the penalties by taking any form of oath whatever, as it might be said Protestant Dissenters could do; for they did not come within the provisions of the Act of Toleration. But that was not all. Any member of the Established Church who went into a dissenting meeting-house, or that was present at any ceremony of the Roman Catholic Church, infringed this Act of Parliament, and incurred all these penalties; therefore, he trusted that their Lordships would be of opinion that this part of the Statute of Edward VI. ought to be repealed. The second part of that Act, to which he would refer, was that which required every person to attend the service of the Church in his parish every

Sunday. If he did not do so, he became subject to ecclesiastical censure by the Statute of Edward, and by the Statute of Elizabeth to a pecuniary penalty. These were the foundations of the Statutes of Recusancy—those harsh and abominable statutes to which he would have occasion hereafter to refer. This part of the Statute did not apply to Roman Catholics, but it did apply to other denominations ; and, without repeating his former arguments, he trusted their Lordships would agree with him that this part of the Statute ought also to be repealed. Whether they would repeal it as far as related to the members of their own Church (the Church of England) was another question. A right rev. Prelate, for whose opinion and character he entertained the highest respect, was disposed to relax this Act as far as the pecuniary penalties were concerned; but he thought that the censure of the Church ought to be continued as far as persons of their own communion were concerned. But, during the investigations before the Commission on this subject, it had been ascertained that no proceedings had taken place under this Act for 150 years ; and if such were the case, and if the Act for that period had been allowed to remain a dead letter, he was sure their Lordships would agree with him that the Acts of Parliament which authorized such penalties ought to be repealed. That, however, would be a question for consideration in Committee. He next came to another Act of Parliament, respecting which he believed a greater difference of opinion was likely to result. He alluded to the Statute of Elizabeth, known as the Act of Supremacy. He begged, on this subject to be clearly and distinctly understood ; for it was a subject of very great importance. The Act of Parliament declared and enacted the supremacy of the Queen in matters ecclesiastical and spiritual in the strongest, the most ample, and the most effectual terms, and in that declaration he most entirely concurred ; but it afterwards provided that any person who maintained the ecclesiastical and spiritual authority of the See of Rome should be subject to certain penalties. Now, he proposed to repeal that latter clause ; but, in the first place, he would call their Lordships' attention to the penalties decreed under it. Any person maintaining the authority of the See of Rome in matters spiritual and ecclesiastical, for the first offence forfeited all his personal property, for the second offence he was declared guilty of premunire, and for the third offence he was considered as guilty of the crime of high treason, and subject to the punishments awarded for that offence. Now, these were monstrous penalties. The two latter, as far as related to their Roman Catholic brethren in this country, had been repealed ; but the former, referring to the forfeiture of all personal property, was still unrepealed. Nay, more, as far as related to Ireland—for the Irish Bill corresponded with the English Bill—they also still remained. He would propose that these penalties should be repealed. They applied only to Roman Catholics, for no other dissenting body cared about the subject. Now they tolerated the Roman Catholic religion. They knew what the opinions of Roman Catholics were, and they knew that it was an essential part of their religious creed to maintain the ecclesiastical and spiritual supremacy of the Pope. This was one of the fundamental principles of their religion; and how inconsistent was it to say that these persons, who were allowed to perform the duties of their religion, should, in the conscientious discharge of that duty, incur heavy penalties! Could anybody attempt to maintain the justice of such a system as that? They had already recognized this principle in striking out the words "ecclesiastical and spiritual" in the act referring to Roman Catholics; and were they at the same time to continue the penalty? Could any person say, that by repealing those penalties they repealed the supremacy? For the supremacy of the Sovereign in matters ecclesiastical and spiritual he entertained the highest possible and the most sincere respect ; but he at the same time thought it to be the most extravagant and untenable opinion that could by possibility be maintained, to allege that these penalties were any part of that supremacy. He would state a case in point. An Act of Parliament might grant a right of tithe to the Church of England. They might impose a penalty for questioning that right ; and yet, though they afterwards repealed the penalty, the right would remain. In the same manner they had repealed the penalties imposed by the Act of the 5th of Elizabeth, and yet they did not destroy the right maintained by that Statute. He should protest against the supremacy of the Crown being confined to this view. There was no man who ever turned his attention to the subject who placed it on so narrow a foun-

dation. It was a part of the Constitution of this country, because the supremacy of the Crown in ecclesiastical matters was part of the common law of the realm. It had been declared to be so over and over again, and the sagest professors of the law were of this opinion. It had been set forth in ancient Acts of Parliament; and in the reign of Henry VIII. this ancient doctrine had been confirmed. He would now come to the Statute of Elizabeth. In order to show the nature of the supremacy of the Crown in spiritual and ecclesiastical matters, he might refer their Lordships to many authorities; but above all, he would wish to refer them to the case of Cawdrey, reported by Lord Coke, where the matter was most elaborately and ably referred to, considered, and decided. There was nothing technical in it; and if any noble Lord or right rev. Prelate referred to that case he would see the entire subject fully explained. It was said, that as far as related to the ministers of the Established Church, they ought not to entirely repeal these penalties. In that opinion he acquiesced. He did not mean that those precise penalties should apply to every person in holy orders; but he would have no objection that any such person denying or questioning the supremacy of the Sovereign in spiritual or ecclesiastical matters should be subject to the censure of the Church, or even be deprived if it were thought necessary. In order to remove all doubts on this point, he might state that he would have no objection to insert in Committee a proviso that they should, in repealing these penalties, in no way affect other clauses of the Bill, or in any way impair or affect the supremacy of the Sovereign of this country in matters ecclesiastical and religious. Passing by this subject, he would come to the Statute of Charles II., by which any popish recusant convict who should be convicted as such, was subject to the most grievous penalties —to large pecuniary costs, and to disabilities of a most extraordinary kind. Nobody could, he thought, for a moment doubt the propriety of repealing this Statute. A popish recusant convict was a person of the popish religion, who did not regularly repair to his parish church, and who was convicted under the Statute of Elizabeth, which he had before referred to. That was the offence for which these enormous penalties were imposed; and he would defy any person to get up in that House, and to deny the propriety of repealing them. The next Act of Parliament to which he would beg leave to refer was the Statute of James, by which persons were required to go and attend their parish church on the anniversary of what was called the Gunpowder Plot. There were no penalties in that Act of Parliament; but it was well known that every person who disobeyed the injunction of an Act of Parliament was liable to be indicted for a misdemeanour, and therefore every person who refrained from going to his parish church on that day was liable to be indicted for a misdemeanour. Now, as far as Roman Catholics were concerned, it was impossible to require them to attend the parish church on such occasions; and accordingly, in the Act of 1844 this Statute was repealed, as far as it related to them. It was, however, hardly decent to allow it to remain on the Statute-book. Besides, it still remained applicable to Dissenters, as it had not been abrogated by the Toleration Act, or by the taking of any oaths allowed under that Act; and that Act did not release them from the consequences of a misdemeanour. It was perfectly impossible to enforce it as far as the Dissenters were concerned, and it was also applicable to persons of the Jewish persuasion; but even as regarded members of the Established Church, did any one, he would ask, who attended divine service on that day do so in consequence of the Act of Parliament, or did they ever think of the Act of Parliament or its injunctions at all? How few attended divine service on this day; and was it, he would ask, possible to institute any proceedings against persons of the Church of England, under this Statute, for not attending divine service on this day? Was it not, in fact, as far as it related to persons of the Church of England, an absolute nullity? When, therefore, he asked their Lordships to repeal this Act as far as it related to Dissenters, he would advise them to repeal it altogether, and leave it to the conscience of the public to attend divine service on that day as on other occasions. There was also another Statute to which he wished to refer, and respecting which he thought some doubts would also be entertained. He meant the Act of the 13th of Elizabeth, with respect to importing bulls and writings from the See of Rome. If any person should import any bull, or any document or writing of any description or for any purpose from the Pope of Rome, he was by that Act of Parliament guilty of the offence of high treason,

and liable to execution, and to all the other consequences following from a sentence for that crime. This Statute was passed in consequence of Pope Pius V. having excommunicated Queen Elizabeth, and released her subjects from their allegiance; and of the bull containing that excommunication having been affixed to the gate of the palace of the Bishop of London by a person named Felton, who was executed for the offence. The bull was also posted up in Paris, and excited the indignation of the people in both countries. There was, however, no chance of any such pranks, if he might venture so to call them, being attempted in these days; and therefore the cause of such an enactment could not be said to continue. They tolerated the Catholic prelates, and they knew that these prelates could not carry on their church establishment, or conduct its discipline without holding communication with the Pope of Rome. No Roman Catholic bishop could be created without the authority of a bull from the Pope of Rome; and many of the observances of their church required the same sanction. The moment, therefore, that they sanctioned the observance of the Roman Catholic religion in this country, they by implication allowed the communication prohibited by this Statute, and for which it imposed the penalties of high treason. If the law allowed the doctrines and discipline of the Roman Catholic Church, it should be permitted to be carried on perfectly and properly; and that could not be without such communication. On these grounds he proposed to repeal that Act. But he proposed the repeal of this Statute for other and still stronger reasons. No such statute existed in Scotland, and what was still more remarkable, such a statute had never been passed by the Irish Parliament, though in that country three-fourths of the inhabitants professed the Roman Catholic religion. He knew that many of his noble Friends had been, on the first impression, much staggered at this proposition; but the more they had examined into the question, the more convinced were they of the expediency of the course which he proposed. If their Lordships thought that when the Bill got into Committee the measure might be in some degree modified, provided it could be satisfactorily made out that Roman Catholics would be enabled to do what the law authorized them to do, and to do it effectually, he should have no difficulty in acceding to such a modification. He next came to the Statute of the 11th and 12th William III., one of the most stringent that had ever been passed against the Roman Catholic religion. By that Act any priest saying mass was subject to imprisonment for life, and any person who seized a priest saying mass was to receive a reward of 100*l*. Every person of eighteen years of age was required, under that Act, to take certain oaths; and if he did not do so, all his estates were forfeited, and went to his next of kin during his life. There were certain other penalties under that Act, all of which he would, without hesitation, advise their Lordships should be repealed. There was another, an Irish Act, the Act of 2nd Anne, by which any person persuading another to be reconciled to the See of Rome, and any person so reconciled were declared guilty of premunire. Their Lordships knew what the effect of such a sentence was. A person guilty of premunire was placed out of the protection of the law; and before now a question even arose, whether it was lawful to slay a man guilty of premunire, so that in one Act of Parliament a clause had to be inserted, declaring that a person guilty of premunire could not be lawfully slain. He thought their Lordships would be of opinion that the Act of Anne should be repealed. He was happy to tell the House that he was now coming to the close of his statement. He had endeavoured to state the facts which it was his duty to lay before their Lordships as shortly but as perspicuously as he possibly could. As to schools, he would briefly state that no person was allowed to keep a school without the license of the archbishop or bishop; and no person was even allowed to be a tutor in a private family without the license of the archbishop or bishop of his diocese. This Act was in full force, and was applicable to Roman Catholics and Dissenters. By the Act of the 11th and 12th of William III., no person of the Roman Catholic persuasion was allowed to instruct youth under penalty of imprisonment for life. All these enactments he proposed to repeal. This brought him to the various Statutes of Recusancy which still remained in force. Under these Statutes a person was liable to punishment for abstaining from going to his parish church. It might be said, why take the trouble of repealing Acts of Parliament that were obsolete? But he reminded their Lordships that not more than four or five years ago fourteen or fifteen convictions had taken place under these Statutes of

Recusancy. [Lord BROUGHAM: In 1841.] They were convictions of poor men, and at the time every body said that the Act ought to be repealed. Application had been made at the time to their Lordships on the subject; and the Secretary of State, Sir James Graham, was obliged to interpose, in order to put a stop to such prosecutions. It was, therefore, idle to say that these statutes were virtually repealed, because they might at any time be called into operation by ill-disposed persons, anxious to effect some object of their own. This penalty was applicable to Roman Catholics and Dissenters, as well as to members of the Established Church. But the 29th of Elizabeth went further. According to it, if any person were convicted of not going to church, he should be considered a recusant, and should pay 20*l.* a month for every month mentioned in the indictment, and not only for the past time, but for the future until he should take the sacrament. If he had any lands, these lands were to be seized for the use of the Sovereign, if the penalties were not paid; and by the Act of the 1st of James I., the Crown had the option to seize the lands in the first instance. To so great an extent was this power exercised in former days, that in one year alone of that reign the revenue received by the Crown, under this Statute, amounted to upwards of 30,000*l.* Their Lordships might not, therefore, be surprised to find that these Acts had been allowed to remain so long on the Statute-book. The Act applied not only to men, but also to such unhappy married women as were declared guilty of recusancy. A woman so charged and convicted was to be imprisoned, and she could not get out unless she took the sacrament; and if her husband desired to have her liberated, he should pay for it. She was to be imprisoned until her husband consented to pay 10*l.* a month for the period of her offence, or gave one-third of his lands to the Crown. There never was a more harsh or more absurd system of law than this, and yet these enactments were still on the Statute-book. He proposed that they should be altogether abolished. He had now gone through the principal enactments referred to in the Bill; and any further explanation that any noble Lord might wish to receive on the subject, he would take an opportunity hereafter of giving in Committee. The objection to which the right rev. Prelate, to whom he had before alluded, and some other objections also which were then in his own mind, would come more properly before their Lordships when they got into Committee on the Bill. All he asked their Lordships to do at present was, to consider the subject calmly and dispassionately; and if they were satisfied that no mischief was likely to result from this measure, then that they should concur with him in the propriety of the repeal of the Statutes to which he had alluded. He begged to move that the Bill be read a second time.

Lord BROUGHAM said, he should entirely agree with his noble and learned Friend that no man could get up in that House, and deny that the great bulk of these statutes ought to be entirely swept away, as deforming the constitution, as defacing the Statute-book, and as being virtually obsolete, though not altogether without pernicious vitality, which might at any one moment call them into existence for sinister purposes. He had no doubt whatever that their Lordships would accede to his noble and learned Friend's proposal, and give the Bill a second reading, while the objections to it might be stated and considered in Committee. Nevertheless, as his noble and learned Friend had entered at large into the subject, he thought it would be attended with some convenience if so much of the discussion which should take place in Committee were anticipated now as would prepare noble Lords and his noble and learned Friend for what might hereafter be the main subject for consideration. He entirely agreed with his noble and learned Friend in what he had stated respecting the penalties for recusancy. His noble and learned Friend referred to what had taken place in 1841, and he would defy the wit of man to imagine a stronger case to show the great injury that might result from retaining enactments on the Statute-book of a penal nature, after they had become obsolete from a change of circumstances, than those proceedings; because what passed in that year was sufficient to show that spite, or corrupt views, or other malicious or inexcusable motives, as it were, quickened that dormant snake into a mischievous vitality. The Queen Elizabeth shilling was the object of these prosecutions ostensibly, but not really. Three or four men had been prosecuted for poaching; but in consequence of a clumsy laying of the information the worthy magistrates who presided could not prosecute to a conviction. They, being guardians of the law and of the game, having failed to convict, the accused men would have de-

parted. "Oh, but," said one of the magistrates, "were you at church last Sunday?" "No." "Or the Sunday before that?" "No." "Or the Sunday before that again?" "No." "Oh, you must pay Queen Elizabeth's shilling then." Thus, as the men could not be convicted of poaching, the magistrates contrived to convict them of recusancy, and they were each sentenced to a penalty which, with costs, amounted to 28*s.* or 29*s.* They were poor men, common day labourers, and could not pay the money—they were sent to prison for three or four months, and the families of some of them came upon the parish. He was therefore of opinion that his noble and learned Friend was quite right in seeking for a repeal of these statutes. As their Lordships were aware, nothing could be more abused than the provisions of that Act in the present state of society. It should be recollected that it was not enough for a person to go every Sunday to church, or twice or three times on every Sunday, if worship were offered so often. It must be in his own parish church, or else he remained liable to the penalty. Therefore, nothing more absurd, or less adapted to the present state of society, than this Act of the 29th of Elizabeth and the other recusancy Acts could be conceived. He agreed with what had fallen from his noble and learned Friend with regard to the supremacy as dealt with in the Statute of Elizabeth. No lawyer who considered the subject could say that the repeal of the Acts, as proposed by his noble and learned Friend, would imply anything against the Queen's supremacy. His noble and learned Friend, while he proposed this repeal, intended to make an enactment specially to remove all doubts as to saving her supremacy. He differed, however, with his noble and learned Friend as to one or two points connected with the 13th of Elizabeth. Nothing could be more correct than his description of the circumstances which led to that enactment, and that it arose from a bull from the Pope Pius V. having been sent over here to dethrone the Sovereign, and to absolve her subjects from their allegiance, and which was fixed to the palace of the Bishop of London, to the abhorrence of the English people, and to the residence of the King of France, to the disgust and indignation of that Sovereign. He agreed with his noble and learned Friend that, looking at the case now, the penalties enacted for bringing over bulls or rescripts from the Pope were absurdly severe; but he was not prepared to go the length of the enactment, which swept away all the penalties, and allowed the throwing open the ports of England, Scotland, and Ireland to all the edicts, all the rescripts, and all general communications in matters ecclesiastical, which at any time might be issued from the Vatican, and which might be addressed—to whom? Why to a very large and important class of Her Majesty's subjects, namely, the Roman Catholic clergy and the Roman Catholic laity of these realms. He would take one distinction, however, on this point. Any penalties against any persons for holding any particular religious opinions, or for any act which was done in setting forth or professing such religious opinions, or for anything which could hamper the faith in which they believed—for the law always assumed that it was impossible for the lawmaker to dive into men's motives for belief—and he held that any penalties for holding such opinions were most unjustifiable, and were unfit to be continued; and, therefore, it was fit and proper that they should be at once swept away. He repeated, however, that they should pause on one point. The object was directed not against a person in this realm for openly holding or expressly uttering certain opinions; but the penalty was directed to prevent a foreign potentate, who assumed to himself supreme jurisdiction in all ecclesiastical matters in all countries, from exercising any authority here. This, be it recollected, was the only potentate that ever put forward such a monstrous pretence; for the Bishop of Rome did not confine his alleged jurisdiction to his own territory, but claimed it over all the world. And this supremacy was not confined to ecclesiastical matters; for one of the predecessors of the present Pope gave half the world to Spain, and the other half to Portugal, while he held not more territory himself than a small portion of Italy; but this potentate—this Bishop of Rome, as he was properly called—still claimed supreme authority in ecclesiastical matters all over the world. He claimed and exercised this not only over his own Italian subjects, but over those priests who were the Queen's subjects, who adopted his religious opinions. This did not alter their allegiance to the Queen, for they were still the Queen's subjects, although they were the Pope's priests. Their flocks also were still Her Majesty's subjects, although they might worship through these priests of the Pope. According to the law the Queen was su-

preme in all matters, whether civil or ecclesiastical. This being the case, how could this or any other well-governed country allow that foreign potentate, without let or hindrance, to send over bulls or rescripts? He agreed that the Pope might send over a bull which would be a libel on the Church of England as by law established, or on the Parliament, or the Sovereign of England, and which might be dealt with accordingly. It might be said it was not necessary to have a prohibition for the introduction of such instruments, as the persons publishing them would, if they were libels by law, be liable to criminal prosecution. But the Vatican would not be checked in this way, for they could frame a rescript which might operate most injuriously over the minds of the priests and of their followers, and which was not a libel technically speaking, and the publication of which, therefore, could not be punished—a publication working mischievously throughout the country, and producing the worst results; and yet, unless such publication could be proved to be a libel—either a treasonable, or seditious, or defamatory libel—it could not be successfully prosecuted. He would not state a very decided opinion as to what should be done, as he saw difficulties on both sides; but he wished to state that he entertained grave doubts whether he could consent to remove all punishment for receiving rescripts from the Bishop of Rome, who claimed supremacy as well in temporal as in spiritual matters. The punishments of præmunire and treason were cruelly severe, and ought never to be applied in such cases as this. Having given expression to his doubts, he would only further say that he trusted his noble and learned Friend, with the resources of professional skill, than whom no man was more gifted, would be enabled to adopt some middle course—some course which would neither offend the just scruples of one class of Her Majesty's subjects, or alarm the great anxiety of another class. He had stated the opinion, or rather he had hinted the objection which pressed on his mind at that moment, and having done so he was content to leave the matter in the hands of his noble and learned Friend and the bench of Bishops, whose assistance his noble and learned Friend most anxiously desired in the very important task he had undertaken. He did not think that they should altogether dispense with the prohibition of religious processions in the streets. He had no alarm himself, nor, perhaps, had any noble Lord on this matter; but he knew how feelingly alive the people of this country were on the subject, and how much they would be shocked and offended by it; and he did not believe that the public peace would be secure in Birmingham or Manchester, or even London itself, if popish processions were attempted to be got up in any of those places; he, therefore, thought that it would be proper to continue the prohibition against them. Then with respect to bells—he had suffered too much from from them in Catholic countries, from their continual clanging to fear—[The LORD CHANCELLOR: There is nothing in the Bill regarding either processions or bells.] Then he had fallen into a mistake as to the provisions, and he closed his observations. The question of oaths required to be well considered—perhaps, as in 1829, the securities might be put in a separate Bill, and the two go *pari passu* through Parliament. Only one word with respect to the interference in religious matters. He had heard with great concern that a very extraordinary proceeding had taken place in another country with which he was connected by the ties of friendship and residence; and for the preservation of the strictest ties of friendship between that country and this no one on either side of the Channel was more anxious. He had heard that the Government of France had permitted prayers to be offered up by the Archbishop of Paris, for the conversion of the Sovereign and the people of this country from their heresies to the true—that was the Roman Catholic—faith. He thought that a little strange. His excellent and gifted Friend the Minister of that country, M. Guizot, was not a Catholic, but a stanch Protestant—it must have been an oversight, because he thought nothing could be more unbecoming, nothing more reprobated, than that in one country the religious authorities should so interfere with the concerns of another country. The Archbishop of Paris must have totally forgotten that he was ordering the people of France to pray that Her Majesty should forfeit her Crown. The people of France must have been in ignorance of that fact, because they had an attachment to the Queen of a strong nature; their loyalty to Her Majesty amounted nearly to that of Her own subjects—at that moment they were looking for Her Majesty's presence in their country with anxiety. With so much attachment and

loyalty, they would never dream, even for a moment, of excluding Her Majesty from the benefit of their prayers; yet they were actually praying that she might forfeit the Crown. A more unfitting injunction he had never heard of than that issued by the Archbishop of Paris. It must have been an entire oversight on the part of the Government of France; and the moment the fact was brought to their attention, he had not the slightest doubt but steps would be taken to prevent a repetition of so obnoxious a proceeding. He was not a Catholic; he had a very great respect for those who believed in that faith; he only wondered they could—the prayers in his behalf were utterly thrown away; but still he thought such a proceeding indecent, if not worse. His noble and learned Friend had opened the Bill in a manner so lucid and admirable, that in any other person it would have been extraordinary; but they had heard so many luminous statements from his noble and learned Friend which set imitation at defiance, that they became accustomed to it, and were compelled to admire at a distance; he had not only opened the Bill with perfert distinctness, but with perfect candour and fairness: all he hoped was that his noble and learned Friend would, before the Bill went into Committee, give his attention to the doubts he had stated as having arisen in his mind, and he felt certain that they would be either removed or cleared up.

The Bishop of LONDON did not rise to oppose the second reading of the Bill, but to state some objections which had arisen to it in his mind during the luminous speech of the noble and learned Lord on the Woolsack. No man would more readily or with more alacrity go along with the noble and learned Lord in abolishing penalties on religious opinions, where it could be done with safety, than he would; but he thought the objections taken by the noble and learned Lord opposite (Lord Brougham) with respect to the publication of papal bulls and rescripts, were justly taken, and deserved the best consideration, not only of the noble and learned Lord on the Woolsack, but of their Lordships generally. The noble and learned Lord must not be surprised that some of the provisions of the Bill were looked upon with some apprehension and alarm by those who had been accustomed to regard the question of the supremacy of the Crown as a question of the very first importance, and as deeply involving a great question of public policy. He confessed that he had not had time, and perhaps had he had time, he might not have had the capacity, so far to make himself master of the subject, as to see the bearing of some of the provisions of the Bill upon that question. He believed it required rather a legal head than a theological one to understand the effect of the Bill in that respect. That his noble and learned Friend had any intention to affect the great question of the supremacy in a dangerous manner, any man who knew him would not for a moment believe; and he was certain that before the Bill went into Committee the objections of his noble and learned Friend opposite would receive consideration, and that proper securities would be taken for the safety of the great principle of supremacy. When his noble and learned Friend recollected what the papal supremacy implied, he would not be surprised that some alarm had been felt on the bench occupied by the right rev. Prelates on the introduction of this Bill. The jurisdiction claimed by the Pope, as denounced in our oath of supremacy, involved the right of depriving princes of their thrones, and absolving subjects from their allegiance. Nay, it was notorious that that right was at the present moment not only held, but taught by the ultramontane divines in countries not far distant from our own. No doubt it was not taught openly, because the parties so teaching it would be liable to a prosecution for sedition; but the Pope's supremacy was taught in a manner which to a person well acquainted with church history was, in effect, teaching the right of the Pope to absolve Her Majesty's subjects from their allegiance to her Crown. He could not but think that some of the provisions of the Bill went further than was intended by his noble and learned Friend. It was proposed altogether to repeal the 5th Elizabeth, cap. 1. That Act had been considered by the Criminal Law Commissioners, to whom the Bill introduced by a noble Lord (Lord Beaumont) had been referred; and they reported that although it might be very proper to modify many of its provisions, they doubted whether it would be advisable to repeal it altogether. With respect to the issuing of bulls, that was a question which appeared to him to be an exceedingly difficult one. It was not possible, he thought, to prevent the Roman Catholics in this country from receiving directions from the only recognized head of their church. If their

religion was tolerated, they must be allowed free communication with those to whom they looked for instruction. But then as to bulls being issued and published without some restrictions, as his noble and learned Friend opposite had said, they might be so framed as to sow the seeds of disaffection, and at the same time so that no one would be able to prosecute them as libellous. He entirely agreed with the noble and learned Lord opposite (Lord Brougham), that a system of inspection would be desirable before publication, if indeed publication could be at all permitted; and he was glad that the objection on this point had come from such a quarter, as being less liable to the suspicion of what was termed bigotry, than if it had originated with a person who occupied a position like himself. He looked, with his noble and learned Friend, on this question, as regarded the Queen's supremacy, chiefly as a political matter. He would put aside the effect that might be produced on the religious opinions of Her Majesty's subjects, but would regard it merely as affecting them as tied by their allegiance. He hoped that before they went into Committee that his noble and learned Friend on the Woolsack would also direct his attention to this part of the subject. With these remarks he should take leave of the subject for the present. He was at one time inclined to entertain the opinion that they should have the assistance of the Judges as to the effect that this Bill might have on Her Majesty's supremacy; but after what had been said by his noble and learned Friend on this subject, he would not say anything more on that point. He trusted that this Bill, while it would remove all harsh restrictions on the profession of religious or conscientious opinions, would be framed in such a way as to be productive of no dangerous consequences.

Lord CAMOYS hoped he would be pardoned if he trespassed for a short time on the attention of their Lordships. First of all, he begged leave to express his thanks to the noble and learned Lord on the Woolsack, on his own part, as well as on behalf of 8,000,000 of Roman Catholics in England, Ireland, and Scotland, for having brought forward this measure; and their obligations were considerably added to by the talented and conclusive speech in which the noble and learned Lord had introduced the question before the House. The noble and learned Lord proposed to repeal a number of Acts of Parliament and portions of Acts of Parliament, because they were obsolete and contrary to the spirit of the present age, and because also they were a stain on the Statute-book of this country, and were no longer necessary for the purposes of security. But, his noble and learned Friend had omitted to propose the repeal of those parts of the 3rd of James I., cap. 5; 1 William I., cap. 26; the 12th of Anne, st. 2, c. 14; and the 11th Geo. II., cap. 17, which prevented Catholics presenting to livings. There were some Catholics he knew to whom presentations to livings belonged; but he was not one so situated. They were forbidden by these laws from making presentations to such livings; the course therefore they pursued was to sell the next right of presentation. Surely there was no danger to be apprehended from the exercise of this right, for the person presented to a living must be examined and approved of by the bishop before he could take possession of it. There was also an injustice in these Acts. If the law said that none should be entitled to present to livings but Members of the Church of England, he could understand it; but the law merely said that Catholics alone should not make presentations; so that while they were excluded, Quakers, Jews, or Infidels might exercise that power. He held in his hand Butler's edition of Coke on Littleton, in the 4th note of which, page 391 B, it was distinctly pointed out that before persons were presented to livings, they must subscribe to the Thirty-nine Articles. The conclusion of this writer was similar to that which he had drawn on the subject; and there could not, therefore, be any danger in allowing Catholics to present to livings. He thought that he had said sufficient on this point to induce his noble and learned Friend to take this matter into consideration. His noble and learned Friend, while he proposed to repeal certain Acts of Parliament affecting Roman Catholics, did not touch the Act 9th of Geo. IV., which was called the settlement of the great question of the removal of Catholic disabilities; and he should not quarrel with this description, for no one had more ground to be satisfied at it than himself. But if there were provisions in that Act of the same character as those which the noble and learned Lord proposed to repeal as being obsolete, contrary to the spirit of the age, and no longer necessary for the purposes of security, he saw no reason why they should not be dealt with

in the same manner as any other Act of Parliament. He did not see why an Act of Parliament should be sacred because it was recent; he, therefore, would suggest to his noble and learned Friend the propriety of making some alterations in it. He would first refer for this purpose to the 16th Clause, which provided that nothing contained in it should extend or be construed to extend to enable any person professing the Roman Catholic religion to exercise any right of presentation to any ecclesiastical benefice. The next clause the repeal of which he would suggest was the 24th, which enacted that any person assuming or using the name, style, or title of archbishop, or bishop, or dean of any place in England and Ireland which was held by a dignitary of the Church of England, should for every such offence forfeit 100*l.* What was the use of retaining such a clause, for it was only applicable to the individual himself using the title? For instance, everybody called Dr. Murray the Catholic Archbishop of Dublin; but if he called himself so, he would be liable to a penalty of 100*l.* Was there any sensible reason for retaining such a penal clause? The next clause also imposed a penalty of 100*l.* on any person holding a corporate office attending a place of public worship other than that of the Church of England in his insignia of office. The next clause imposed a penalty of 50*l.* on any member of a Roman Catholic religious order wearing the habit of his order, except within his usual place of religious worship. Now, both these clauses should be repealed; and they never should have been introduced into the Bill for the settlement of this great question. It was much better to leave such matters to the operation of public opinion than to legislative enactments. If public opinion was against a practice, it would not take place; but if public opinion sanctioned it, he questioned whether such a law would be sufficient to put it down. He should now refer to some other clauses—from Clause 28 to Clause 36 inclusive:—

"And whereas Jesuits and members of other religious orders, communities, or societies of the Church of Rome, bound by monastic or religious vows, are resident within the United Kingdom, and it is expedient to make provision for the gradual suppression and final prohibition of the same therein"—

He (Lord Camoys) might here ask whether, from the passing of that Bill, any attempt had been made, or even thought of, to carry this provision into execution—

"Be it therefore enacted, that every Jesuit, and every member of any other religious order, community or society of the Church of Rome, bound by monastic or religious vows, who at the time of the commencement of this Act shall be within the United Kingdom, shall, within six calendar months after the commencement of this Act, deliver to the clerk of the peace of the county or place where such person shall reside, or his deputy, a notice or statement in the form and containing the particulars set forth in the schedule to this Act annexed, which notice or statement such clerk of the peace, or his deputy, is required to preserve and register amongst the records of such county or place, for which no fee shall be payable; and a copy of which said notice or statement shall be by such clerk, or his deputy, forthwith transmitted to the chief secretary of the Lord Lieutenant, &c.; and in case any person shall offend in the premises, he shall forfeit and pay to His Majesty for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement as hereinbefore required the sum of fifty pounds."

He (Lord Camoys) believed that when the Act was first passed, there were some few members of those religious bodies who took notice of these clauses; but it was soon found to be a dead measure, and no person now thought of complying with them. Every one of those persons, therefore, was liable to a penalty of 50*l.* for every month that had passed over since the passing of the Emancipation Act. They did not keep the Act upon the Statute-book for any useful purpose—no State necessity had arisen to induce them to prosecute for the purpose of obtaining those penalties; but still, it was open to any person through private feeling—it was open to any malevolent person to sue for those penalties. The next clause enacted—

"That if any Jesuit or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this Act, come into the realm, such person shall be deemed and taken to be guilty of a misdemeanour, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life."

The next clause directed—

"That in case any natural-born subject of this realm, being at the time of the commencement of this Act a Jesuit, or other member of any such religious order, community, or society, as aforesaid, shall, at the time of the commencement of this Act be out of the realm, it shall be lawful for such person to return, or to come into this realm, and upon such his return or coming into this realm he is hereby required, within the space of six months after his first returning or coming into the United Kingdom, to deliver such notice or statement to the clerk of the peace, &c., for the purpose of being so registered and transmitted as hereinbefore directed; and in case any person shall neglect or refuse so to do, he shall for such offence forfeit and pay to His Majesty, for every calendar month during which he shall remain in

the United Kingdom without having delivered such notice or statement, the sum of 50*l.*"

It was also enacted that the Secretary of State might grant licenses to such persons coming into the country; but if the person to whom such license was granted did not leave the kingdom within a certain time after the termination of such license, he was to be banished for the term of his natural life. The 33rd Clause declared that, in case any Jesuit or member of any religious society should after the commencement of the Act admit any person to become a member of such order, or be aiding or consenting thereto, he should be deemed guilty of a misdemeanour, and in Scotland punished with fine and imprisonment. By the 34th Clause it was enacted, that in case any offender under the Act, who should be sentenced and ordered to be banished, should, after the end of three calendar months from the time such sentence had been pronounced, be at large within any part of the United Kingdom without some lawful cause, every such offender should be transported to such place as should be appointed by His Majesty, for the term of his natural life. He (Lord Camoys) might, he thought, well ask if he were reading a Relief Act? If any noble Lord had come into the House when he was reading those clauses, and had not known that they were contained in the 10th George IV., would he not rather have supposed that they belonged to some Act of Parliament passed in the reign of Elizabeth or James, than to an Act of Parliament passed in the more tolerant days of the nineteenth century? If those clauses had been to be found in an Act of Parliament passed two hundred years ago, they would have been in all probability proposed to be repealed by the Bill of his noble and learned Friend. He thought it was right to state, when those harsh laws were made against the regular clergy, that although they had often in that House heard accusations made against the secular clergy, especially in Ireland, for attending public meetings and becoming agitators, he never recollected to have heard any accusation of the same nature made against the regular clergy in England or Ireland; and he could say with truth they were most liked wherever they were most known. If the Catholics alone were seeking to have these clauses repealed, it would only be common sense and justice on their part. But there was a very large party not Catholics who were consenting to the repeal of these clauses. They knew from the Votes of the other House, that a Bill had passed a second reading in that House by a large majority, which contained the repeal of these very clauses. That Bill was brought in by three Protestant Gentlemen—it was passed by a majority—Members of the Government voted for it; but he was quite aware of this, that they were distinctly not pledged to carry in Committee that which they supported on the second reading. That, he thought, was sufficient to justify him, undertaking, as he did, to represent the Catholic public—that was sufficient to justify him in suggesting to his noble and learned Friend the considerations he had mentioned. He was quite aware of the humble position which he (Lord Camoys) occupied in their Lordships' House. He knew that they were now dealing with a great question, involving great constitutional principles; and therefore he thought it more becoming in him to offer those suggestions to his noble and learned Friend, rather than originate, either now or at any future stage of the Bill, any substantive proposition. He did so under the conviction that if his suggestions were well founded, and if his conclusions were correct, and derived from correct premises, he might safely leave this matter to the justice of their Lordships, convinced that if they could be complied with, they would be complied with without hesitation. He thanked their Lordships for the attention they had been kind enough to afford him, and he begged to recommend his suggestions to his noble and learned Friend.

The Bishop of EXETER said, that the noble Lord who had just sat down had given his reasons for introducing some very important additions to the Bill of the noble and learned Lord on the Woolsack. Now, in the first place, he (the Bishop of Exeter) begged leave to say, that he much doubted if there could be any such additions made as had been suggested. What was this Bill? This Bill was confined to certain particulars, and did not profess any general policy. They had heard a general principle announced from the Woolsack that night; but the Bill contained no such principle. It was a remarkable circumstance attending this Bill—it was, in one respect, absolutely singular: the Bill did not venture to say what was its principle—it had no preamble, or anything that would guide their Lordships, or enable them to ascertain what was its principle. Notwithstanding

what his noble and learned Friend had said of the principle of the Bill, when he introduced the second reading of it on that night, the Bill itself justified no such statement; it was a mere series of Acts of Parliament, or parts of Acts of Parliament, stuck together for the purpose of their being repealed, but without its being said why they were to be repealed: the Bill itself did not so much as say that it was expedient to repeal them. Therefore, to introduce more of those Acts into a measure of that sort did seem to him (the Bishop of Exeter) to be doing what was not in accordance with the strict formalities of their Lordships' proceedings. With regard to the additions themselves, which the noble Baron, whether regularly or irregularly, wished to introduce into the Bill, he (the Bishop of Exeter) thought it was a matter of very little importance: it was not as to any want of regularity that he had to complain. But he had heard, he must confess, with astonishment and pain, that they were again to have these matters discussed. He regretted that they were returning to the discussion of a question which he had hoped, as he believed most of their Lordships had also hoped, had been settled for ever. He was in hopes that the very liberal relief given by that Act which had been so harshly dealt with that night by the noble Baron (Lord Camoys), which had given to him the honours of his family, and to their Lordships the benefit of the assistance of that noble Lord, would have proved satisfactory; and he was surprised to find that the very small restraints imposed by that Statute should be objected to. The noble Baron had ventured to speak of the extreme severity of that legislation: he said, if any person had come into their Lordships' House while he was speaking, and heard him give a detail of this petty legislation—for that was the term by which the noble Lord had characterized what he, nevertheless, called extreme severity—such stranger would not think that they were in the nineteenth century, but would rather suppose they were in the sixteenth century, and legislating in the spirit of the times of Queen Elizabeth and King James. He (the Bishop of Exeter) must say, that when the noble Baron made those observations, he must have forgotten all those promises of gratitude and thankfulness which they were accustomed to hear before the passing of that Act, and which they continued to hear for some time afterwards. It should be recollected that, in the reign of Queen Elizabeth, instead of a penalty of 50*l.*, the punishment would be forfeiture of goods and chattels; instead of the trifling inconvenience that was given to those persons by the Act of 1829, they would have to endure the penalty of high treason. The extravagant and monstrous crimes attempted in Elizabeth and James's time, drew down this tremendous vengeance on the guilty heads that threatened so much mischief to the country; and if similar enormities were no longer to be apprehended, these enactments might justly be mitigated. But was this a reason why they should give up the protection altogether against those acts which they still deemed to be dangerous? Was nothing, he asked, to be done because they were not still to inflict the penalties of high treason and the punishment of forfeiture? But that was not all the noble Lord had said. He had told them of a Bill now in the other House containing all those provisions, which had been read a second time, with the full concurrence of the First Minister of the Crown. He threatened them with the passing of that Bill, and, therefore, had forsooth endeavoured to persuade their Lordships and his noble Friend, that they ought to introduce those provisions into the Bill now before them. But he would tell him that if there was one argument stronger than another why his noble and learned Friend should not introduce those provisions into his Bill, it was that which the noble Baron himself had given. It appeared that a Bill was passing through the other House which contained almost all those provisions. He believed that all of them were included in that Bill, which had now received a second reading in the other House. But could they doubt that if it should come at all, it would come to their Lordships' House, shorn of those particular provisions which the noble Baron hoped they would introduce into this Bill? He (the Bishop of Exeter) should not hold it possible that those clauses would appear in any Bill that the other House should send to that House for their approbation. He would not believe, he would say, so shamefully of his kind as to suppose that the Prime Minister of this country, who, when he passed the measure of 1829, had declared that if there were any attempts made to interfere with the few miserable securities that were given, such attempts should receive his sternest resistance, would now be a consenting party to any measure that

would contain such clauses as those which the noble Baron proposed to introduce. He did not believe it possible—he believed, on the contrary, he would indignantly disclaim any such propositions if they were pressed upon him. He had, it seemed, consented to the second reading of the Bill in the other House. There was nothing in the Bill that would preclude it from being read a second time; but there was much in it which would render it utterly impossible for their Lordships to pass that Bill, if it reached them in its original shape, and with all the provisions which it originally contained; and which would, in truth, repeal the few securities provided by the Statute of 1829. He (the Bishop of Exeter) had been compelled thus to allude to parts of a Bill now in the other House, by what had been stated by the noble Baron. He would now refer to one clause in the Statute of 1829, which had excited the special wrath of that noble Baron; namely, that which inflicted a penalty of 100*l.* on any person who laid claim to the title of archbishop of a province, or bishop of a diocese, except those persons who were by law entitled to do so. He (the Bishop of Exeter) should be very frank with the noble Baron on this subject. He thought, instead of that being an act of petty legislation, that it was one of the most important character. He thought, however, with the noble Baron, that in one particular it was petty legislation. He thought it was beneath the importance of the matter with which Parliament had then been dealing, to inflict merely a penalty of 100*l.* on those who laid claim for themselves to those titles. He thought they should have extended the penalty to all persons who gave those titles to them in any way that would bear the character of asserting the right of any person to the position of archbishop of any province, or bishop of any diocese, except those whom the law of the land recognized as such archbishops and bishops. He (the Bishop of Exeter) would not wish, for one, that any enlarged punishment should be inflicted on the party so doing; but he thought such pecuniary penalty should be inflicted as Parliament should have thought fit to adopt. He thought they had acted most unprovidently and incautiously in not doing so; for when they forbore to inflict upon others a penalty for giving to the Romanists in England or in Ireland the style or title of archbishop or bishop, they did, in fact, render it impossible to convict the individuals themselves who assumed those titles, because it was manifest that in the case of a publication in a newspaper they could not establish the fact against the party, except it could be actually proved that the manuscript was put into the printer's hands by the individual who professed to have written it. The mere printing of a letter, signed "John Tuam," in the *Times* newspaper, would not do; and if the law officers proceeded against the newspaper in which it appeared, they might say that they had incurred no penalty for putting in that letter, and refuse to give up the author. It was true they might be forced to give evidence upon trial by a subpœna; but be that so or not, he must say, that it was owing to the extreme laxity of permitting such an important restriction to pass with so slight a guard, that they had been told that night by the noble Baron that the provision was obsolete. But, with respect to this provision, he had said that it was important, and he would tell their Lordships why: those who introduced it into the Statute were actuated by a very wise motive—they knew very well, and the noble Lord knew very well—no person in that House knew it better—that there could not be two bishops of a diocese. [A noble LORD: Hear, hear!] He (the Bishop of Exeter) rejoiced, but was not surprised, that the noble Lord testified by his cheers his assent to that principle. [Lord CAMOYS: It was not I that cheered.] Then, if the noble Lord disclaimed that cheer, he knew that the noble Lord was prevented from so indicating his assent by feeling how extremely awkward the admission would be. He defied him, however, to deny the position itself. The noble Baron knew, and their Lordships knew, that there could not be two bishops of a see—they knew that one individual only was entitled to be called bishop, and that he was the bishop of that see to the exclusion of all other persons. Therefore, they must consider the Church in which he was bishop as the Catholic Church in the land; and those who claimed the title of bishop for any individual belonging to any other body of Christians in the land were thereby pronounced by the Legislature to be in a state of schism. The importance of that clause could not be too largely estimated; for by that clause in that Statute the Legislature declared the Church of England and Ireland to be the Catholic Church in England and Ireland, and the Romanists in both countries to be in a state of schism. The noble Baron

had complained that the Roman Catholic noblemen and gentlemen in this country should be excluded from the right of presentation to livings. He said there were other bodies differing from the Established Church who were not prevented from exercising that right. He agreed with the noble Lord, that this was an anomaly—an anomaly, however, which, if removed at all, ought to be removed, not by giving to Romanists the right of presenting to benefices in the Church, but by taking that trust from all others who were not members of the Church. For he (the Bishop of Exeter) begged to be permitted to say, that all patrons of Church benefices were, in fact, trustees of those benefices for the Church of England; and he would say that the law could not regard the members of the Roman Catholic communion as fit persons to be trustees of benefices for the Church of England. He felt really surprised the noble Lord should be anxious to exercise such a privilege; and he felt astonished that he should consider it a degradation to be precluded from exercising it. He (the Bishop of Exeter) thought it a gross anomaly in the law of the land to permit any who were not members of the Church to be intrusted with the sacred duty of appointing its pastors. He would now make some reference to the Bill before their Lordships, and he should advert to the two parts which alone seemed to him to call for observation—that which relates to the supremacy of the Crown, and that which deals with Papal Bulls. So far as regarded the supremacy of the Crown, their Lordships would forgive him if he reminded them that that was not the first or the hundredth time at which, within the walls of that House, the question of supremacy had been discussed: it had been there discussed from the very earliest times. This Statute went to remove all penalties for extolling the supremacy of the Pope—as exercised when? In the nineteenth century? No; but in all times preceding the times of Queen Elizabeth. They were gravely told that they should no longer make it penal to set forth and extol the papal supremacy to the utmost extent to which Hildebrand and Innocent, or any other of the most despotic and usurping Popes, had ever presumed to carry it. But even at this day the supremacy of the Pope was spoken of, and went to the most frightful extent; and if they permitted themselves to make it no longer penal in any degree to extol that supremacy, they must prepare themselves for another religious war. He believed that nothing short of that could happen if their Lordships should be prevailed upon to make it no longer in any measure penal to extol the supremacy of the Pope. Their Lordships were aware that, two years ago, they had been asked to repeal this Statute, so far as would affect the penalties of high treason and premunire, and he would be be very glad to concur in any mitigation of the penalties; but two years ago their Lordships deliberately re-enacted — inasmuch as they saved that part that enacted —the forfeiture of goods and chattels for extolling the supremacy of the Pope. Therefore he (the Bishop of Exeter) hoped that his noble and learned Friend would reconsider this part of his Bill, and be contented with mitigating that penalty. But in order that they might the better know the matter on which they were invited to legislate, he (the Bishop of Exeter) would quote from a Roman Catholic authority to show what the supremacy of the Pope really was. He was now speaking of Queen Elizabeth's time; but the authority to which he referred—Bellarmine—flourished chiefly in the reign of James I. He stated the several doctrines that were held with respect to the supremacy of the Pope. It was his own opinion, which he declared to be also the common opinion, that the Pope had not directly any temporal power; but then the Pope had indirectly all power whatever in temporal matters. He said, that if the management of temporal affairs appeared to be prejudicial to spiritual ends, the spiritual power could and ought to coerce the temporal. The Pope, he said, had the supreme authority of disposing of the temporal things of all Christians, of deposing kings, and restoring kingdoms, not as an ordinary judge, but as the supreme spiritual power; he could not ordinarily establish temporal laws, but he could do these things if the kings themselves would not. He (the Bishop of Exeter) would remind their Lordships that even in their own times—he meant in the times of those who, like himself, were old enough to remember these things—they had seen this power of deposing kings indirectly brought into action. They would recollect that, at the time when Napoleon possessed the crown of France, the Pope entered into a concordatum with him, by which he bound himself to maintain the new ecclesiastical code in that country, and by which he called upon the bishops

in that country, who had sworn allegiance to Louis XVIII., to obey that code; and by one stroke of his pen, he (the Bishop of Exeter) would not say extinguished eighty or one hundred bishops, but professed to dispose of their sees, because they refused to transfer their allegiance from Louis XVIII. to Napoleon, at his (the Pope's) command. But the thing did not even rest there; for one of the most liberal of all the advocates for the relief of the Romanists in this country, Mr. Charles Butler, absolutely, and in print, affirmed that to be right. He addressed those of the French bishops who, in this country, were exclaiming against the act of the Pope as an unheard-of tyranny, and told them that they were bound by the principle of their own Church to acknowledge that authority of the Pope, that *dominicum altum* (such were Mr. Butler's own words) which in extreme cases did enable him to do what Pius VII. did, namely, to transfer the allegiance of a whole kingdom from Louis XVIII. to Napoleon. This he (the Bishop of Exeter) conceived furnished a sufficient ground for caution on their part, and should induce them not to permit any person, by writing or speaking, to affirm, extol, or set forth the spiritual jurisdiction of the Pope. He (the Bishop of Exeter) apprehended—and he put this proposition with the utmost deference and respect to their Lordships—that if this Statute were passed, removing the only statutable penalty for extolling the power of the Pope, it would be difficult to maintain an indictment against any person for doing so. He would put this question to their Lordships: was it fit that such an important class of doctrines as were included in the extolling of the spiritual supremacy of the Pope were at once to be cleared away from their Statute-book; and were they to do that with a slur on the Statute containing them? He (the Bishop of Exeter) ventured to state to his noble and learned Friend that he would find, he believed, all his right rev. Friends as ready as he (the Bishop of Exeter) should be to support him in introducing any measure of relief to Romanists, which would be consistent with such an efficient mode of affirming the supremacy of the Crown in this country as should secure an adequate penalty against any person for asserting the contrary. However generous and liberal the intentions of this Bill might be, if it were permitted to pass their Lordships' House in its present form, their Lordships must be contented to bear what he could not but regard as a well-deserved reproach; and they would have no right to murmur if the country considered them to have acted most erroneously and most reprehensibly in removing penalties, the existence of which had been, by men as wise, as patriotic, as good friends to religious liberty, and the peace and welfare of the people, as the ablest and most liberal of the noble Lords whom he saw around him, judged necessary for the dignity of the Crown, the safety of the Church, and the well-being of the people.

Lord BEAUMONT concurred with his noble Friend (Lord Camoys) in thinking the noble and learned Lord on the Woolsack deserved the thanks of the Catholics of this country for having introduced the Bill now under discussion. That Bill he did not believe to be fraught with any such dangerous consequences as the right rev. Prelate (the Bishop of Exeter) appeared to anticipate so painfully, and he would accordingly give it his hearty support. When he (Lord Beaumont) introduced in a former Session a Bill somewhat similar in its object to the present, he consulted many persons of learning and authority as to the effect which it was likely to have upon the doctrine of the supremacy of the Crown in this country, and it was proved to his clear satisfaction that no danger on this score was at all to be apprehended from the measure, inasmuch as that the supremacy of the Crown being a fact, the abolition of punishment for denying that fact could not in any way affect the fact itself. It was on this understanding that he introduced his Bill, it being clearly evident that the question of the supremacy of the Crown was not touched, and never could be touched by the repeal of the Statutes which it was in contemplation to rescind. He was not surprised that the right rev. Prelate should have experienced some difficulty in reconciling his desire for toleration with his apprehensions respecting the perfect security of our institutions; inasmuch as the Roman Catholic church in this country was placed in a totally different position from that which it held in other European States; and the wholesome control which the State in Catholic countries exercised in respect to the conduct of the clergy, and their communication with Rome, was neither claimed or allowed in this country. The absence of this power in the Government might induce the rev. Prelate to think that Statute laws of a penal nature

were necessary as substitutes for the direct interference of the Executive; but a little reflection would show him that these apprehensions were wholly unfounded. The difficulty that presented itself in this case resulted altogether from the anomalous position in which England was placed with respect to her foreign diplomacy, by refusing to do what all other countries in Europe, even Turkey included, had done —namely, to put herself in relation with Rome. Much misconception and much unfounded apprehension had arisen from the exaggerated statements which had been made in various quarters respecting the supremacy of the Pope. This question was, in truth, to be judged of, not by reference to past dogmas, but to present policy; for every one who had ever been at Rome knew that the Pope never revoked nor rescinded any bygone bull or proclamation, no matter how much it might be disapproved of subsequently to its publication. New bulls of a different character might be put forward; but it was well known that no bull once issued was ever rescinded, and it was, therefore, quite visionary to base an objection to the measure now under consideration on any grounds having reference to any ancient manifestoes of the See of Rome. The question was one which in itself appertained not to the dogmas or religion of the Church of Rome, but to its policy. It was no portion of the religious belief of a Roman Catholic that the Pope possessed any power to depose princes; and he (Lord Beaumont), as a Roman Catholic, emphatically denied that out of the Papal dominions the Pope possessed any authority to depose or displace any potentate whatsoever, or any person in authority. This being the true state of the case, what possible necessity could there be for retaining on the Statute-book enactments, having for their object the infliction of penalties on those who attempted to set up, affirm, or extol the supremacy of the Pope? If it was a doctrinal point in the faith of Catholics that the Pope possessed the power of deposing princes, nobody could fulfil the religion of a Catholic who did not hold the doctrine; yet where was the Catholic who held any such belief? There was a wide difference between matters of faith and matters of discipline or policy. The former were immutable, and unchanged must ever remain; while the latter varied with the times or disposition of the monarchs of the day. The anathemas, bulls, and usurpations of temporal power were part of a temporary policy, with regard to which any Catholic might use or form an independent judgment. No sensible man could now-a-days defend the past history of Rome, or the use the Popes made of their power. He protested against the extent to which the right rev. Prelate sought to carry the meaning of the phrase "supremacy of the Pope;" and he again denied that the repeal of an Act of Parliament to punish a person for denying the fact of the supremacy of the Crown, could affect in any way the fact itself. He could not see what good or valid reason there could be for retaining on the Statute-book the Act of the 13th of Elizabeth. At the period of its enactment it might have been necessary — nay more, there could be no doubt but that it was then called for, by the audacious act of Pius V. in not only excommunicating Queen Elizabeth, but "thundering damnation" against her; but in the present state of society, and in the present condition of Europe the law was totally unnecessary, and the sooner it was rescinded the better. Let them look at the state of society on the Continent, the progress of learning, the spirit of independence afoot, and the liberal views of leading statesmen, and then ask themselves if there was any chance of seeing revived the ancient thraldom in which the Vatican held men's minds, or any danger proceeding from so prostrate, so ridiculous, or so despised a Government as that of Rome? She depended for existence on the breath of Austria, and was hated by her own people. The time had fully arrived when not only all penal statutes of this nature should be finally blotted from the Statute-book, but when England ought to place herself on a footing with the other enlightened Governments of Europe, by adopting some measure with a view of doing away with the anomaly which she now presented, of being the only country in Europe not in regular communication with Rome. Treat Rome as you treat Florence, Lucca, or Parma; put the Pope on the same footing as any other petty prince in Italy; and do not continue a system of hostility which was only suited to the day of his greatness, now that he has fallen, from his own weakness, into general neglect.—The noble Lord having again expressed his gratitude to the Lord Chancellor for the introduction of the measure, declared that he would with the utmost confidence leave in the hands of that noble personage the task of bringing

in another Bill for the repeal of such other penal statutes as still remained unrescinded, not being touched by the present measure; and concluded by stating that it would afford him great pleasure to support the Bill now under their Lordships' consideration.

Lord COLCHESTER could not agree with the opinion expressed by his noble Friend, of the doctrine of the Pope's supremacy in temporal matters having been given up. He feared very much that the theory still remained dormant, and that it was a matter of discretion with the Pope as to the expediency of reducing it to practice. The Pope had not interfered of late days in the temporal affairs of Spain, Italy, Portugal, or Germany; but the reason was, that he feared that by so doing he might not be promoting the interests of the Church. Considering the changes which were now going on, and the desire which the clergy manifested of retaining power in their hands—and he need not go to the Church of Rome for that manifestation—he thought that great caution ought to be exercised in a question of this kind.

Lord CAMPBELL regretted that this measure had not been compressed into one Bill, as the Commissioners had recommended; or that at all events the noble and learned Lord on the Woolsack had not introduced the law with regard to oaths, which was much more important than the supremacy of the Pope, or the publication of bulls, and was even more disgraceful to the Statute-book. The Bill as it stood should receive his most cordial support. He was by no means disposed to wish that greater facilities should be given for the establishment of regular orders and nunneries here than in France and other Roman Catholic countries, of which there might be danger, unless that were done which he strongly urged upon the Government, a concordat entered into with the Pope. It was very doubtful to him whether diplomatic intercourse was prohibited by the Act of Settlement; but, at all events, he thought steps ought to be taken to establish that connexion.

The LORD CHANCELLOR, in reply, said, that as to the supremacy of the Pope, one of the right rev. Prelates had thought it advisable that the opinion of the Judges should be taken on the subject; but he thought the question too clear to render that necessary. He had arranged, however, with the right rev. Prelate, that the opinion of one of those learned persons, of very high authority, should be taken. That had been done; he had handed that opinion to the right rev. Prelate early in the evening, and it was decisive on the subject. As to the importation of bulls, there was no such Act of Parliament in Scotland or Ireland, and no evil consequence had ever been felt. Did not that show that all this terror was imaginary—the result of ingenious scruples? He would take into consideration the suggestions which had been made in the course of the discussion, and would exert himself to meet them, as far as was possible, consistently with the efficacy of the measure.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, April 30, 1846.

Minutes.] New Member Sworn. For Ripon, Hon. Edwin Lascelles.

Petitions Presented. By several hon. Members, from various places, for Better Observance of the Lord's Day.—By Mr. O'Connell, from Mayor, Aldermen, and Burgesses of the Borough of Waterford, for the Abolition of Ministers' Money (Ireland).—By several hon. Members, from various places, in favour of the Roman Catholic Relief Bill.—By Mr. Pole Carew, from Rural Dean and Clergy of the Deanery of East, against the Union of Saint Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester.—By Mr. William Feilden, from Merchants, Manufacturers, and other Inhabitants of the Town and Neighbourhood of Blackburn, in favour of the proposed Measure respecting Customs and Corn Importation.—By Mr. James Morrison, from Provost, Magistrates, and Town Council of the Royal Burgh of Forres, for Repeal of Duty on Fire Insurances.—By Mr. Deedes, from Guardians of the Poor of the Milton Union, and by Mr. Sheridan, from Shaftesbury, for Rating Owners in lieu of Occupiers of Tenements.—By Mr. Barry Baldwin, Sir John Hanmer, and Mr. Hudson, from various Shipowners, for Liquidation of Danish Claims.—By Mr. Mark Philips, from Retail Beersellers of Manchester and its Vicinity.—By Mr. Redhead Yorke, from President, Stewards, and Members of the New Union Society, in the City of York, against the Friendly Societies Bill.—By Mr. O'Connell, from Noblemen, Gentlemen, Clergymen, Owners, and Occupiers of Land, and other Parties, Inhabitants of the County and City of Cork, for Encouraging Enterprise in Ireland.—By several hon. Members, from various places, for Repeal or Alteration of the Lunatic Asylums and Pauper Lunatics Act.—By Mr. O'Connell, from Inhabitants of the City of Westminster, against the Protection of Life (Ireland) Bill.—By Mr. Milner Gibson, from Clergy, Bankers, Merchants, Manufacturers, and other Inhabitants of Manchester, and by Mr. James Oswald, from Glasgow and its Vicinity, respecting the Safety of Navigators employed on Railways.—By Viscount Clive, from Noblemen, Gentlemen, and others, of the Town of Shrewsbury and its Neighbourhood, in favour of the Salmon Fisheries Bill.—By Colonel Conolly, from Proprietors and Lessees of Irish Salmon Fisheries, for Repeal or Alteration of the Salmon Fisheries (Ireland) Acts.—By Colonel Thomas Wood, from Guardians of the Poor of the Edmonton Union, for Alteration of the Law of Settlement.

POST-OFFICE IRREGULARITIES.

Captain J. C. VIVIAN begged to ask the right hon. Gentleman the Secretary

to the Treasury whether he were aware of the greatly increasing irregularities in the General Post Office, more especially in the despatch of the morning mails? From all parts of the country great complaints were received of the constant and numerous mistakes that occurred, owing, in a great measure to the irregularities in the General Post Office. A friend of his, who lived about five hours' distance from London, complained of the frequent mistakes in the despatch of his newspapers, which sometimes did not arrive until forty-eight hours after they were sent, having meanwhile made a little journey on their own account over the half of England. His friend had written to Mr. Smith, the largest news-agent in England, complaining of the delay, and had received the assurance that his newspers had been regularly posted in time for the morning mails. He would read Mr. Smith's letter :—

"192, Strand, London, April 20, 1846.

"Sir—I am sorry to say that very great neglect exists in the General Post Office, and that it is not at all unusual for one or two of the sacks (holding about 800 papers each), which I post for the morning mails, to be detained unsorted until the evening despatch, because (they say) they have not a sufficient number of sorters to perform the duties required. Bundles of newspapers, addressed in bulk to news-rooms and newspaper agents in the country are sorted and forwarded, as they are easily picked out, and neglect would occasion general complaint; but gentlemen who only take a single paper are frequently disappointed, and, generally the newsman who supplies them is blamed for the inconvenience, for which he is not at all answerable, and which he cannot prevent. My arrangements are such that I never fail to post my papers in time for the morning mails, as I send large quantities by rail two hours before the Post Office closes, and, having the largest business in the trade, I am also served first by the different newspaper offices. I trust you will think it worth your while to make a complaint to the Postmaster General or the Lords of the Treasury, as I have had frequent communications with Colonel Maberly on the subject without obtaining even a promise of greater regularity and attention.—I am, Sir, your most obedient servant,

"W. H. Smith."

Though he had never been in direct communication with Colonel Maberly, he understood that any complaint received his immediate attention. But the mistakes continued, and it was evident there was a bad system somewhere; either there was not a sufficient number of sorters, or there was some other cause at work. He believed the irregularities in the delivery of letters and newspapers were in a great measure owing to the *Directory;* and he begged to ask whether the attention of Government had been directed to the subject, with a view to render the inconvenience to the public less frequent?

Mr. CARDWELL was prepared to hear there were irregularities in the despatch of newspapers by the morning mails, but not in respect of letters. He was prepared to answer the complaint of the hon. Member as to newspapers. He was aware that complaints were made of the irregularities now taking place in the morning mails; but he was by no means prepared to believe that in the majority of instances those irregularities were the fault of the Post Office. They were, however, at present the subject of careful inquiry at the Post Office. The reason, he believed, was the great increase in the circulation of the London daily papers during the last few months. From a return that had been prepared, it appeared that the number of newspapers sent by the morning mails (as we understood) was now 729,000 per week. A great increase had also taken place in the bulk of the newspapers. He held in his hand a copy of one of the daily journals as it was sent through the post. Let the House think of 729,000 such packets travelling through the General Post Office. Still, he repeated, he did not believe that in the majority of instances the irregularities were connected with the Post Office. Many newspapers were posted without covers; some were misdirected; others imperfectly directed; and numbers were sent at the last minute. The increase in the number sent by the morning mails was the leading cause of the inconvenience for which the Post Office was responsible, and the following measures were being resorted to: an enlargement of the building; some new machinery was about being brought into operation, and an additional number of persons were appointed for the discharge of the increasing duties. So far as Ministers or the Post Office were concerned, the House might rely that everything would be done to remedy, in future, the inconveniences complained of. He (Mr. Cardwell) was in constant communication with the Post Office authorities, and every circumstance that impeded the efficiency of the General Post Office was brought under his notice by them. That department of the public service, he knew, desired and endeavoured to discharge their duties properly.

MR. W. SMITH O'BRIEN SERVING ON COMMITTEES.

Mr. ESTCOURT said, that before he proceeded to move the Order of the Day

for resuming the adjourned debate respecting the refusal of the hon. Member for Limerick to serve on a Railway Committee, he might be allowed to express his earnest hope that that hon. Gentleman had authorized some Friend to make a communication to the House on his behalf.

The Order of the Day for resuming the Adjourned Debate was then read, and the Question again put—

"That W. S. O'Brien, esquire, having been guilty of a contempt of this House, be, for his said offence, committed to the Custody of the Serjeant-at-Arms attending this House, during the pleasure of the House, and that Mr. Speaker do issue his warrant accordingly."

MR. E. B. ROCHE: It will be in the recollection of the House, that towards the conclusion of the debate on Tuesday, it was my duty to come down from my hon. Friend the Member for Limerick (Mr. W. S. O'Brien), and on his behalf to convey a certain intimation to the House. The right hon. Baronet opposite (Sir R. Peel), acting, I must admit, in a most fair and amicable spirit, thought well not to receive that intimation, but to give my hon. Friend forty-eight hours for consideration, during which he might determine what course he would pursue. Now, Sir, my hon. Friend complains—and, as far as I am concerned, I think his complaint is just—that he has not had an opportunity of explaining fairly and distinctly to the House the position in which he is placed, and the reasons which have induced him to adopt a certain line of conduct. I do not state what course my hon. Friend will pursue to-night. I have only to ask the House, either by Motion, or in any other manner consistent with its forms, that my hon. Friend may be allowed to attend in his place or at the bar, to explain to the House the reasons which have led him to take the course he has hitherto pursued, and which influence him in adopting the course of action he intends to follow. It is true I may be asking the House to take a course not in consonance with its ordinary rules and regulations; but I am sure, when I appeal to the House on behalf of an hon. Gentleman who stands in the painful position of being sustained by scarcely any individual in this assembly, and of adopting a course of action which is not supported even by those who usually act with him on all public questions, that the House will be disposed to give a favourable consideration to the request I now have to make. Although that request may not be in strict consonance with the customs and regulations of the House, yet, I trust that the House, in a spirit of justice and fairness, and influenced by a desire to afford fair play to all parties, will indulgently and kindly grant my hon. Friend permission to appear before them. I have simply to move, "That Mr. W. S. O'Brien be heard in his place."

MR. HUME said: I apprehend, if the Motion of the hon. Member for Cork (Mr. E. B. Roche) is not contrary to the rules and customs of the House, there can be no objection to acceding to it. I, for one, should be most happy to assent to it, though I am anxious to maintain the rules and orders of the House. I think, when a request is made in the manner in which this has been preferred by the hon. Member for Cork, we ought to comply with it, provided we can do so without any material infringement of our rules.

MR. R. YORKE: I apprehend that if you intend to proceed in conformity with the rules of the House, it will be utterly and entirely impossible to grant the request of the hon. Member for Cork.

MR. O'CONNELL: My hon. Friend the Member for Limerick was dissatisfied with the manner in which I put his case to the House. He does not think I argued the merits as I ought to have argued them, and he conceives that at the present moment he is really unheard.

Sir R. PEEL: I think I have proved my desire to relax the strict rules of the House in this case, so far as any relaxation can be properly and consistently allowed. As far as my private feelings are concerned, I am desirous that those rules should be relaxed. But, in the position I occupy, I owe a duty to the House; and I think it is of the utmost importance that we should consider how far it is consistent with the established precedents and customs of this House, and the principles upon which those precedents are founded—which are much more important than a mere pedantic observance of precedents—to assent to the Motion of the hon. Member for Cork. I must remind that hon. Gentleman that an opportunity was afforded to the hon. Member for Limerick of stating why he had declined to obey the Orders of the House; for I distinctly recollect that the hon. Gentleman (Mr. W. S. O'Brien) rose and said, that although such an opportunity was afforded him, he did not desire to avail himself of it, because his reasons were already upon record in the printed

Correspondence on the Table of the House; and to the reasons alleged in that correspondence, he must refer for an explanation of the grounds on which he had acted. But this does not rest upon my own recollection. I find this entry in the Votes and Proceedings of the House :—

"Mr. Smith O'Brien, being in his place, and having been called upon by Mr. Speaker, stated that he had no further explanation to offer to the House, and that he held to his determination as expressed in his Correspondence with the chairman of the Committee of Selection, and then he withdrew."

I apprehend that the hon. Member having declined to obey the Order of the House, is in that position which is technically termed "contempt." I should wish to appeal, Sir, to your authority, whether or not there are any precedents for acceding to the Motion of the hon. Member for Cork? By assenting to that Motion we may establish an important precedent for governing the proceedings of this branch of the Legislature; and it is therefore of the utmost importance that we should be careful how we depart from our established rules. If, Sir, you will have the goodness to state what is your impression as to the rules of the House, and if there be any precedents for the course proposed by the hon. Member for Cork, I should, for my own part, be happy to permit the extension of those precedents to this case. If, however, there should be no such precedents, the painful duty will be imposed upon me of supporting the established usages of the House, in opposition to the proposal of the hon. Member for Cork.

MR. SPEAKER: In answer to the appeal of the right hon. Baronet, I must state—and I do so with very great regret—that I cannot call to my memory any precedent that would justify the House, under present circumstances, in allowing the hon. Member for Limerick to be heard in his place. The hon. Member for Limerick had an opportunity of being heard after the Report of the Committee was presented to the House, and the Order for his attendance had been read. The hon. Gentleman did not avail himself of that opportunity, and the House then resolved that he had been guilty of contempt. The House having come to that conclusion, I cannot call to my memory any case which would justify them in permitting the hon. Member for Limerick to appear in his place before they determine his punishment.

MR. E. B. ROCHE: Of course, Sir, I bow with deference to your decision. It appears that my hon. Friend cannot be heard in his place in this House; but is there any reason or precedent why my hon. Friend should not be heard at the bar of the House?

MR. SPEAKER: There is no precedent for any Member of the House being called to the bar, unless he appears there almost, I may say, as a criminal. I am not aware of any precedent for such a proceeding.

MR. H. GRATTAN: I have been requested to make a statement to the House on behalf of my hon. Friend the Member for Limerick. That statement has been handed to me in writing, and is in these words :—

"I was in ignorance of the nature of the Resolution which the Chairman of the Committee of Selection intended to propose to the House when I declined to avail myself of the permission allowed me to address the House."

My hon. Friend was ignorant, at the time, of the nature of the Resolution which the Chairman of the Committee intended to submit to the House, and, therefore, he did not address them. The House will consider that circumstance, and they will, I am sure, be ready to extend their indulgence to my hon. Friend. I can assure them that he is not now acting on new opinions, but on opinions which he has held for several years. Whether he is right or wrong, he says he is supported by legal authorities; and he wishes it to be distinctly understood that he intimated his desire to serve on Committee on an Irish Bill. It would, I think, have been an easy matter for the Chairman of the Committee of Selection to have arranged for placing my hon. Friend on an Irish Committee; but this was not done.

MR. SPEAKER asked if the hon. Member for Cork (Mr. E. B. Roche) withdrew his Amendment.

MR. ROCHE: Of course, as it is contrary to the rules of the House.

Amendment withdrawn, and MR. SPEAKER again read the original Motion.

MR. M. MILNES said, he wished to suggest a course by which the House might avoid the extremity to which they were about to proceed. It was clear, that if the hon. Member for Limerick remained in a state of contempt, he would be precluded from taking any part in the debates in that House. Now, he (Mr. M. Milnes) apprehended that the effect of adjourning this debate to this day six months would be to en-

able the hon. Member for Limerick to take part in the deliberations and proceedings of that House. He would, therefore, move as an Amendment, that the debate be adjourned to this day six months.

MR. SPEAKER said, the hon. Gentleman must, in the first instance, move that the debate be adjourned before he could propose the adjournment to any particular time.

MR. M. MILNES said, that if the House did not think his suggestion deserved consideration he would not press it. He merely wished to throw out the suggestion as a means by which the House might relieve themselves from their present painful position. He would withdraw the Amendment.

MR. SPEAKER put the Question on the original Motion, which was carried.

THE DANISH CLAIMS.

MR. HAWES: Sir, once more I venture to make an appeal to the House, and once more make the Motion which I have placed on the Paper of to-day, to consider of those Danish claims which arose out of transactions which occurred in Denmark in the year 1807. Sir, after the arguments which have been adduced against this question, and the many discussions which have taken place upon it, I should hardly feel myself justified in occupying the time of the House, unless I entertained the strongest conviction of the equity and justice of these claims. I will endeavour, Sir, to compress what I have to say into a narrow compass. Now, Sir, the arguments which have been raised against these claims have merely, so far as I have been enabled to consider them, resolved themselves into two in number. One objection was of a financial character, which has been urged upon the House from time to time by the Chancellor of the Exchequer, who, I think, rather looked to the difficulty of meeting the claims, than to the justice of the case. The other objection was of a far more important character, and one that I own I feel much difficulty in contending with. I own that the legal objections which have been raised, especially by the hon. and learned Gentleman opposite, who has exhibited considerable knowledge of law—especially international law—are difficult to meet. I know, also, that there are many difficulties surrounding this question. Nevertheless, those difficulties have not deterred the House, on many occasions, from affirming, by considerable majorities, the justice of the claims that were urged on the attention of the House. The circumstances out of which these claims arose I may state in a very few words. In the year 1807, the British Government having been informed that the Danish fleet was to be placed at the disposal of Napoleon, adverse to the interests of this country, determined, upon the information which they had received, to take measures for seizing that fleet. The expedition was one that was got up with the greatest secrecy and the greatest promptitude; and I need only refer to the duties relating to the fitting out and arrival of the expedition on the coast of Denmark, in order to show to the House that the expedition was so prompt and secret that the British merchants could not by possibility have had any intimation of it. That expedition sailed from this country on the 27th of July, and arrived with the British Minister, at Copenhagen, on the 1st of August; the troops were disembarked, and on the 18th Copenhagen was invested. This expedition went not for the purpose, as it has since transpired, of making a hostile aggression on Denmark, but for the purpose of enforcing a negotiation. A negotiation was entered into on the arrival of the fleet off the coast of Denmark, before any act of hostility commenced. It continued even for a considerable time after. The Danish fleet was seized, and Denmark, of course, placed an embargo on British property and British vessels; and Danish property and vessels were in turn seized by the British. Our Government took property to the amount of 300,000*l.*, and the Danish Government seized property to half that amount. Negotiations were commenced before a single shot was fired, as I have before said, and continued long after the surrender of the fleet, and the seizure and confiscation of property. This negotiation came to no satisfactory conclusion, and Denmark declared war against this country on the 4th of November following; but it was not until the 24th of November Great Britain declared war against Denmark. It had been urged by the right hon. Gentleman the First Lord of the Treasury, that this declaration of war had a retroactive effect which he could not admit, particularly as to the confiscation of property. The fleet of Denmark was seized, and Copenhagen attacked by British arms, while a convention was pending; and this convention declared that all hostilities were

to cease, and that all public and private property was to be respected. I allude to this convention for the purpose of showing that it must have been in force up to and at the period of the declaration of war. The declaration of war did not set aside the provisions of the convention to which I have alluded, and therefore the parties for whom I seek the protection of the House were entitled to the benefits of its provisions. The debts arose out of the confiscations incident to war. Some time after these transactions took place, Mr. Canning made a remarkable declaration on this subject. It was in answer to Mr. Perceval, who brought the question of these claims under the consideration of the House. Mr. Canning had said—

"As the right hon. Gentleman had alluded to a communication made by him to M. Rist, the Danish *Chargé d'Affaires*, he would briefly state the fact to the House. He had been commanded by His Majesty, after the Danish fleet had surrendered, to make an official communication to that gentleman, desiring that he might procure powers from the Crown Prince to negotiate an accommodation, or to procure passports for a Minister to go to Kiel for that purpose. When he communicated this fact to the House, he thought it necessary to state why he did not produce the Papers. As all negotiations were resumed on the terms upon which they had last been broken off, and though he and his Colleagues had thought it right to make such offers in the first instance, it would not follow that they were bound to grant the same conditions at a future time. In the hope of some such accommodation, His Majesty had even been induced to delay directing the condemnation of the Danish shipping, as well as his declaration of war. But now that war had taken place, it could not be contended that the capture of the Danish navy did not, *pro tanto*, diminish the means of the enemy, whilst it added to our own security."

Whatever opinion might have been entertained of the transaction at the time which it happened, it was certain since that time Parliament had on several occasions admitted that the applicants who had suffered during that war, and under the convention to which he had referred, were entitled to consideration. The claims put forward were of three kinds. The first claim was that of those who had debts owing to them by Danish subjects. The second kind of claim were those preferred by merchants who had goods seized on the occasion; and the third claims were those of parties who had an interest in ships and cargoes that suffered in the war. When this subject was first brought before the House, in consequence of the declaration of the Chancellor of the Exchequer, a Treasury minute was brought up, and the Treasury minute of 1834 said distinctly it was referred to Parliament to decide whether one or all of these claims were to be admitted to compensation. By the words of that minute, the claims of those three classes were all of them admitted in principle to be worthy of the consideration of Parliament, and the progress of subsequent events had confirmed that principle. In 1835 and 1836 the first and second classes had their demands settled. In 1838 the claims of the third class had been brought under the notice of the House, on the ground that Government had funds out of which to pay the debt. Government had received the sum of 1,300,000*l.*, and had never paid any part of it to those claimants; therefore there were funds somewhere out of which to satisfy this claim. In the year 1839, the subject was again brought before the House; and who brought it forward? It was brought forward, not by an humble individual like myself, whose opinions, whatever they may be, would be scarcely worthy of recollection, but it was brought under the notice of the House by a most accomplished lawyer, who would not have committed his reputation to the support of claims which he had regarded as illegal. He submitted these claims to the House, and the House again sanctioned their justice; but the then Chancellor of the Exchequer still delayed the settlement of them. With the view, however, to ascertain the legality of these claims, a Commission was appointed, met, and reported upon the claims of those parties. To that report I shall shortly call the attention of the House. It was laid on the Table on May 12, 1840, was signed by the three Commissioners, and addressed to the Lords of the Treasury. It stated that the Commissioners had proceeded to consider the merits of the several claims submitted to their consideration, and that they came to the following result:—The claims amounted to half a million, which was reduced to two hundred and seventy-five thousand pounds: of the reduction in the amount I make no complaint. This sum of money was obtained from the sale of several cargoes which had been seized and sold, and which consisted of goods imported from the Baltic. In 1841, Mr. Justice Cresswell moved and carried an Address to the Crown that the question would be speedily settled; and had not Mr. Justice Cresswell been convinced of the legality of these claims, he would not have ventured to have risked his professional reputation by insisting on them. I must say that this

case ought not to rest on strictly technical grounds. At the time those seizures were made, the Government were exposed to considerable danger; it thought it necessary to fit out several secret expeditions; and those who were losers by them were, of course, those chiefly connected with the mercantile interest. And the House should never forget that Government had received money to the extent of 1,300,000*l.*, and that they never distributed more than one-half of that sum. The remaining sum must be still in existence, and could be applied to the purpose for which it was originally appropriated. I am unwilling to enter into the legal argument, but I think if any one will take the trouble—if any one has taken the trouble to refer to all that has transpired on this subject, he must be convinced that these claims are founded in justice, inasmuch as the public policy which induced the Government to take the part which they did, involved the people concerned in these losses. It is not necessary for me to say whether that policy were just or unjust. But, supposing that policy to be just, it was perfectly impossible for the Government to pretend that it did justice to the merchants, when they gave no public notification to them that they were about to enter upon the course which they took. The Admiral on the station received no intimation of that policy, and the merchants took no other precautions for their safety than they would under ordinary circumstances against sea risks. The trade in the Baltic was considered safe, and they therefore entered into nothing more than the ordinary insurance against sea risks. Sir, under these circumstances, when the British merchants were not forewarned by any public act, or warned by any official notice, they have, I contend, a perfect right now to ask this House and the Government of this country to give their sanction to a Committee of this House for investigating those claims. Sir, I have endeavoured to go as little over the whole ground as possible in submitting the case of the claimants. You will not, I will venture to say, refuse the Committee for which I ask. I hope that those hon Members who have attended to this subject from year to year will again give the vote which they formerly gave in favour of a Committee of investigation. I am perfectly aware that the Government was placed in great difficulty by the opinions delivered by the law officers of the Crown. But I submit that this question is not a mere matter of law. It is a mixed case of law, equity, and justice. The hon. Member concluded by moving—

"That this House will, upon Wednesday next, resolve itself into a Committee, to consider of an Address to Her Majesty, praying that Her Majesty will be graciously pleased to advance to the Claimants for losses sustained by the seizure of British Ships and Cargoes by the Danish Government in 1807, the amount of their respective losses, as ascertained by the Commissioners appointed for the investigation of Danish Claims, and reported upon the 12th day of May 1840, and assuring Her Majesty that this House will make good the same."

[Sir W. Gossett, the Serjeant-at-Arms, soon afterwards appeared at the bar and said—"Sir, I have to acquaint the House, that, in obedience to the Order of the House, and in conformity with your warrant, I have taken Mr. William Smith O'Brien into custody."]

Sir J. HANMER: I hold in my hand a petition from the town I have the honour to represent; and I take the opportunity of expressing in a few words the reason why I consider this question should be speedily decided. I do not think that it is altogether quite a proper question for the consideration of Parliament. I cannot say that I look with any considerable favour upon this continued renewal of the question, and I feel earnestly that justice should be done, and that a final decision upon the question shall be arrived at—and that a complete, clear, and strong expression of Parliament should be come to on the subject. As to the merits of the question it appears to me that they lie in a very narrow compass. In the case of these claims, all compensation for them was formerly denied. At that time it was stated by the hon. Member for Portsmouth, that the large and respectable body of individuals who had suffered upon the occasion, and who now claimed compensation for their losses, had no right to come to Parliament, or be compensated by the Government. I think that Government chose properly to compensate two classes of the Danish claimants. They were those claimants who could not be supposed to withdraw easily, and at a short notice, from the port of Denmark during the war: people who owned good debts in the town of Copenhagen, or possessed cargoes and valuable goods in the warehouses of Denmark, were possibly prevented from setting sail with their ships, and getting out of the reach of those who wished to obtain possession of them. Such was the argu-

ment used by the then Solicitor General. However, I do not think that we can sustain that opinion; but I think if an embargo was laid upon these ships before any official public notice was given to merchants in this country—if no intimation was given that the state of the relations of Denmark with this country were about to be disturbed—I do think—and I do not advance this opinion because I am Member for Hull—that such claimants have a fair reason to be compensated for the losses which they sustained from the proceeding. If a fair notice was given to them, I would not insist on their right to receive compensation; but if no official notice was afforded, those persons have a right to be considered as not having started upon a vague expedition, against which there was no impediment, and the unfortunate termination of which was beyond their conception; then, I think, they are entitled to that compensation. Now, Lord Sidmouth, on the 17th of May, 1808, on which occasion a similar Motion to that now before the House was discussed in the House of Lords, showed that no such notice had been given by the Court of Denmark; and he said that on the 2nd of September, a similar order to one previously issued by the Admiralty was afterwards issued by His Majesty's Government in Council, accompanied by orders that no ships belonging to His Majesty's subjects should clear out for any of the ports of Denmark, and that a general embargo should be laid on all ships and vessels belonging to the subjects of that country. Now, if that notice was issued in this country on the 2nd of September, and ships sailed afterwards, then, I think, they are not entitled to the compensation sought; but those which had sailed before, and were neither named by our own nor the Danish Government, are entitled to compensation. The opinion of Lord Sidmouth, in which I agree, is very favourable to the compensation of those who incurred losses. The noble Lord said, on the subject of compensation, there could not be the smallest difference of opinion; and Lord Sidmouth had been Chancellor of the Exchequer, and Prime Minister, and was competent to give an opinion on the matter. Now, Sir, I have stated the only arguments on which I intend to rest. I say that I find on the 2nd of September an order was issued by His Majesty's Government; after which no person had a right to compensation. Now, I think the issuing of that order was a sufficient proof that the merchants had no right to clear out of the Danish ports before that time. I beg leave, Sir, to second the Motion.

The CHANCELLOR OF THE EXCHEQUER said: I can assure the House, Sir, that it is very painful to me to have again to repeat those opinions and those sentiments which I have so often had occasion to address to the House on this particular subject; sometimes when sitting on this side of the House, and sometimes when sitting on the other. But, Sir, I have had from these repeated discussions full opportunities of hearing all that can be urged on this particular subject, having had various opportunities of consideration and reflection; and I adhere to the opinion which I have always expressed upon the subject, that it is one in which it is not consistent with public policy for the House to interfere, and that it is one in which it is not consistent with the duty of him to whom Her Majesty has entrusted the finances of this country to acquiesce. Sir, I believe also, very strongly, that it is a matter of great delicacy on the part of the House of Commons to deal with a question of this kind in the manner in which the hon. Gentleman proposes to deal with it. A rule is most wisely laid down by the Constitution, that the House of Commons should not take upon itself, independently of the Crown, to originate any grant of money; and this rule is expressly laid down to guard against the possibility of parties being urged, rather by persons who had a direct interest, to come to a vote of public money which a consideration of the general interests of the country did not authorize; and the House, therefore, imposed the check in that respect. But it will place the Crown in that most inconvenient position of having, instead of as usual to originate such a grant, to refuse it when recommended by a Committee of this House. I think that it is a most inconvenient position in which to place the Crown, on an occasion where grave legal doubts as to the claims exist, and where the question of how far the right of the House to interfere is involved, to call upon it to make any grant upon such a matter. The hon. Gentleman commenced his speech by stating that these claims were refused on two special grounds: one of these grounds being financial, and the other being founded on international law. I do not agree with the hon. Gentleman, when he states that the objections to these claims are of a financial character. They

never, let me observe, rested on that principle, as the hon. Member for Portsmouth had observed, for whether these claims be for 500,000*l.* or 200,000*l.*, it is not the amount that we should regard in our decision, but the principle involved in it. The danger involved is not only the expense we should incur, but the expense we should expose ourselves to in respect to past wars, and our successors in respect of wars to come. The question rests in a great measure on international law not laid down in this House, by Gentlemen of the highest legal authority; and it also rests on the opinions of men who combated the former judgment on this important question. The Solicitor General expressed his opinion against it in this House, when the question was legally discussed, and I have never yet heard any answer to his opinion. The question does not rest only on the opinion of those hon. and learned Gentlemen who have lately given their opinions, but it rests on the authority of all those legal Gentlemen who have taken part in previous debates in this House, when former claims were urged. Those Gentlemen all said that the claims that were urged were only to be mantained where there was some conviction or proof of any violation of the law of nations; and they reserved to themselves the point that the circumstances on which this claim was founded, were of a totally different character from those laid down in the category of those who made the claims. This was the argument of the hon. Member for Sheffield, when he said that these claims should be decided by an exposition of international law. These claims have been supported by an hon. Gentleman formerly a Member for Liverpool (Mr. Cresswell); and in his constituency were large bodies of individuals personally interested in the question now before the House. Mr. Cresswell brought forward the question, as he considered he had a duty to perform to his constituency, and that he should present to the House the circumstances under which this case arose, in order that it might have the benefit of a discussion in the House of Commons. Great importance is attached to the opinion of Mr. Justice Cresswell, from his eminent legal abilities; but it ought to be borne in mind that he represented a large mercantile body, many of whom had an interest in the question. Whatever value is attached to the opinion of that eminent lawyer, the House should weigh against it the fact that he acted in that matter as it became his duty as a Representative in Parliament. The hon. Gentleman who brought forward this question lays great stress on the ground that this was a secret expedition, and the injury to which the merchants had been exposed in consequence of not having information so as to escape the danger. On this point the House should consider the extreme hazard which would grow out of giving information in such cases. I have not heard any sound reason given why compensation should be given in cases of this kind, and arising out of such circumstances. I have heard nothing advanced to convince me of the opinion that the captures for which compensation is sought took place after the declaration of war. The declaration of war against Denmark took place on the 16th of August, 1807, and no capture was proved to have taken place subsequent to that date. I have already referred to this declaration, and given its terms; and I now assert that it was issued on the 16th of August, and the captures were antecedent to that period. But it is said it was a secret expedition, and, therefore, compensation should be given. If you carry out that principle, what will be the effect? If you give compensation in the present instance, you are bound to give it in every other case. Grant the present claims, and whenever an enemy is attacked under similar circumstances, whenever a secret expedition is fitted out, you will be bound by such a precedent for every capture which is made at sea during the progress of the war. Let us see how the principle applies to other wars. See how it would apply to the last war with the United States. No notice was given them that our merchant shipping was in danger, yet, according to this principle, we should be bound to grant compensation for every capture, Such a ground of compensation now sought would establish a principle applicable not only to the Danish war, but to all other wars; and in all captures of merchant ships arising out of secret expeditions they would have Motions made and claims advanced for compensation. In every particular case the House would be called upon to make advances of money in order to satisfy the parties. It would be impossible for the country to go into war and defend its just rights without being subject to claims for damage done to private individuals in the prosecution of such expeditions as that out of which had arisen the present claims. But there seems to

be great doubt among hon. Gentlemen who support this Motion. The hon. Member for Lambeth supported the claims of one class, while the hon. Baronet the Member for Hull supported the claims of another class. The hon. Member for Hull says, that no indemnity ought to be given in certain cases, because he has found out that an Order in Council was issued on the 2nd of September, 1807, that no British ships should clear out for Denmark, because they would be liable to be seized upon and confiscated by that Government; and therefore, argues the hon. Baronet, they have no claim for indemnity. What is the effect of this disagreement? Why, out of the eighty-five persons who, according to the statement of my right hon. Friend opposite, have claims, if the opinion of the hon. Baronet the Member for Hull is taken, only ten can have any claim at all. Thus we see that these learned Gentlemen—learned in the doctrine of international law—are divided to the extent, that while the one would admit the rights of eighty-five claimants, the other would only give compensation to ten. Can a stronger proof than this be required that the subject is not of that very clear character that it was represented by the hon. Member for Lambeth to be? The hon. Member for Lambeth has, I think, not very fairly stated the opinions of Lord Althorp, as given in 1834. The Report of 1834 states—

"We are all aware that these claims are made for the losses sustained on this occasion by the act of the Danish Government; but we do not conceive that Parliament would be disposed to admit the principle that such claims could be entertained."

As I have stated before, I am very little competent to argue the legal points as to what coustitutes the lawful seizure of property. It may appear that there is no valid reason why property on shore may not be captured as well as property at sea, and why the former should be safe, while ships and cargoes should be exposed to seizure; but I believe no one will deny that such is the principle of international law. They have respected property on shore, but never that on the sea. This property, like a great deal of other property, had undergone the chances of war. It is said that these were only reprisals; and that they, therefore, stand from other ships. Now, what is the question of reprisals? It is something of this kind. You lay your hands on whatever property you can legally take, in order to compel your enemy to accede to reasonable terms. Well, then, this property happens to consist of ships and merchandise. If the differences are settled, they are returned; if the war goes on, why, they are sold. But really, after the war has commenced, there is no distinction as to property captured after the declaration of war, and after the commencement of actual hostilities. All I wish to inculcate on the House is the danger to which the country will be exposed if they set a precedent that, if they went to war with a foreign nation, some six and thirty years after they could be induced to compensate all who had suffered any detriment. Standing in every respect upon the footing on which these cargoes and ships were taken, I contend that you are not entitled to ask the House of Commons for a Committee to inquire into these claims. Sir, I can assure the House that it is only from a sincere desire to avoid all the dangers which I see incident to an acquiescence in things of this kind, that I have on so many occasions expressed my opinion on this subject. I have abstained, as the hon. Gentleman has done, as much as possible, from repeating the arguments which I have used before with respect to this question. I do not rest, as the hon. Gentleman does, upon any technical grounds. It is upon a great national principle—it is upon the broad principle which I have already stated, that if you once lay down this principle, that you will protect all ships and cargoes during war, no limit can be placed to such claims hereafter. It is on these grounds that I must resist the Motion of the hon. Member opposite, for a Committee to inquire into the nature of the Danish claims.

MR. WATSON: I trust I shall be able to show the House, on principles of public justice and national law, the justice of these claims. The right hon. Gentleman has said that those who represent large commercial constituencies have a peculiar mode of looking at the question of international law in this House. Will he allow me to make a retort, that the right hon. Gentlemen who have visited the purlieus of the Treasury seem also to have a very extraordinary view of the public policy and the public justice of international law? Now, Sir, let us see first of all what the facts are in this case, and the grounds on which this claim must succeed. These cargoes and ships were taken before any declaration of war whatsoever. This country having ascertained that a party was

about to seize the Danish fleet, sent out a fleet under sealed orders and perfect secrecy, so that not a single merchant of this country could know where that fleet was. The relations between Denmark and England continued; the merchants continued in their intercourse with the Baltic. They continued in their intercourse with Denmark all the time. The fleet went to the Baltic, and on the Admiral being asked whether or not they might safely trade in the Baltic, he distinctly communicated to the merchants that they might do so. Well, Sir, that being so, I ask on what ground of publicity it is that these claims are attempted to be resisted? Should it not be our public policy to encourage the merchants in carrying on their trade? I say that by our national law they are clearly entitled to those claims. But what was the declaration that was made to the Admiral when they entered the Baltic? They said, "We come to your shores inhabitants of Zetland, not as enemies—(this, I believe, was dated August, and I have not the exact date)—not as enemies, but in self-defence, and to prevent those who are willing to destroy Europe from using your forces for that purpose." "We come not as enemies;" and yet the right hon. Gentleman has said they are not entitled by international law to make these claims. War was declared on the 4th of November. The Danish ambassador demanded his passports on the 16th November. It has been attempted to say that the declaration of war took place on the 14th August, in the declaration of Gluckstadt. In the case of a declaration of war between two countries, the inhabitants of each country would have warning not to trade with each other; if they were to do so, they would then be guilty of a breach of the law of their country, and vessels going to Denmark might be justly captured by English vessels, on the ground that they were attempting to trade with an enemy. On the 7th of August, it was declared by the British Envoy that war was upon the point of commencing between the two countries, and at the same time demanded his passport, on the ground that war between the two countries might be considered as having already broken out. It has been said by hon. Members opposite that this was a declaration of war between the two countries. I will prove, by the decision of Lord Stowell, that this was a declaration of reprisals, and not a declaration of war; and in the declaration issued by the Danish Government, the following words occurred:—

"We merely call upon our faithful subjects to take up arms to defend themselves and their property, and to ward off this violent attack;"

and this document further states that an embargo would be laid upon foreign vessels. Now, that point has been decided by Lord Stowell, in the Admiralty, in the case of the "Orion." The case was, whether the capture was the right of the Crown or the Admiralty. He said, that if the capture was made before the declaration of war, it was the right of the Admiralty; but it reverted to the Crown if taken after the declaration. The capture was, therefore, the right of the Crown, inasmuch as there was no declaration of war until the 4th November. The Chancellor of the Exchequer comes down to the House, and says we must resist these claims, because the hon. Members for Lambeth and Hull may entertain some little difference of opinion upon the subject. The real question is, when was war declared? It has been stated by some hon. Members, that there is great danger if we compensate these Danish claimants we shall also have to compensate the French and other claimants for losses which they may have sustained in a war with England. A little reflection will tell those hon. Gentlemen that such could not be the case, because after a declaration of war is made, the prizes are the prizes of war. Such prizes are not entitled to compensation when the war has broken out, for everybody knows the situation in which they were placed—every ship captured by the Danish and French are not entitled to compensation. Now, let me look at the justice of the case. The Chancellor of the Exchequer has thrown some impediment in the way of this matter. He says it is not respectful to the Crown—that it is a question that reflects on the Ministers. In 1834, the hon. Member for Sheffield brought the matter forward; and again in 1837 and in 1838. In 1841, the Commons voted that in justice the compensation sought for should be given to the parties; but, however, it was not acceded to; and now the right hon. Gentleman wishes to make out a vast distinction with respect to the rights of the claimants, and says it is not respectful for us to address the Crown. Now, I say, it is altogether respectful for us to address the Crown upon the subject, when justice can be obtained by so doing; for, up to this time, no justice

has been meted to the parties. The Treasury at this moment has many thousands of pounds which were paid by the Danish Government on account of those claimants; and, therefore, it was simply a debt due from the Treasury to the persons so claiming. But perhaps the Chancellor of the Exchequer does not wish to part with the money from the coffers of the Treasury. Now, Sir, with respect to the other point—the question of international law. I do not boast myself of a very perfect knowledge of the law; but I have looked at the opinions of those lawyers who have considered the question, and they have come to the conclusion that the parties are entitled to the compensation which they seek, as the capture of their ships was not a capture in war. There is not a better lawyer than Mr. Justice Cresswell; and it is not at all likely that he would compromise his legal character on this subject because he was the Member for Liverpool. But there are two great parties whom I have not the honour to see in their places at this moment—I mean the Attorney and Solicitor General; because, if I have stated anything erroneous in point of law, they would no doubt have corrected me. [An hon. MEMBER: Why are they not here?] I will tell you why they are not here. Both the Attorney and the Solicitor Generals voted for this Motion on a previous occasion; but have I not the opinions of Mr. Justice Cresswell, one of the most acute and just lawyers in England? I say it is not likely that he would warp his legal judgment on the matter; and if the Attorney General or Solicitor General were here, I am sure they would not dispute the law, because they have voted for the Motion. The hon. Member for Worcester (Sir T. Wilde, who voted against the Motion) challenged Mr. Justice Cresswell to produce any authorities in favour of his view; and on the next night, the 10th of June, he did produce two authorities, and said, in the course of his address, "I have been challenged that there is no authority on the subject;" and he then read an extract from Vattell, which stated—

"Those who have by reprisals lost their property, are bound to get compensation for their losses."

Grotius too stated—

"It is the duty of the State to give compensation to those on whom reprisals have fallen."

Vattel further said, speaking of the mode of settling national disputes—

"But before a State declares war"—[I beg the attention of the House to this]—"before she declares war, of which we shall treat in the following book, as there are various methods practised among nations of obtaining justice, she seizes on some property if she has an opportunity, and declares it seized until she has had sufficient satisfaction."

Then he says—

"She takes possession of what belongs to another, and keeps it until payment; or he detains it as a pledge."

Then he says—

"The effects seized upon are preserved while there is any hope of obtaining satisfaction or justice; but so soon as that hope disappears, they are confiscated, and the reprisals are then complete."

Now can anything be more clear than that? For the purpose of satisfaction they seize, and when all hope of satisfaction disappears, the reprisals are complete, and the goods are disposed of.

"This is the last remaining effort previous to the commencement of open hostilities."

Then, indeed—

"Is the Sovereign to compensate his subject on whom reprisals shall have fallen?"

I say that Parliament and the Monarch of Great Britain ought to compensate those on whom reprisals fell by the Danish transactions of 1807.

"It is the duty of the State or the nation to make this good, because on this principle each citizen ought to pay his quota."

The hon. Gentleman the Secretary for the Treasury is well versed in law, and perhaps he will point out how, seeing that war was not declared until the 4th of November, the seizures were captures of war, and not merely reprisals. There was a most extraordinary argument used here on a former occasion upon the decision of Lord Stowell upon the seizure of property in Demerara, and the claim that was made by persons calling themselves British subjects, for restitution of their property. These individuals were first British subjects, then Dutch subjects, and afterwards British subjects again; and Lord Stowell decided that, as the parties were Dutch subjects at the time of the seizure, they had no *locus standi* in the courts of law of this country, to obtain restitution. Lord Stowell said, that the question mainly depended on whether the property was taken before or after the declaration of war. Now, Sir, I say that this question originated on the ground of public policy, public justice, and international law; and whether this was merely a reprisal, where the persons injured were entitled to compensation, on the part of those who had caused the inquiry. I am sorry I have troubled the House so long on

the subject; but it appears to me that justice requires that the law should be justly and fairly put in practice on this occasion.

Mr. CARDWELL: On no occasion should I have presumed uninvited to enter the lists with my hon. Friend opposite, for the purpose of attempting to sustain an argument of a legal character; but on the present occasion as my hon. Friend has called on me I shall not shrink from the task, and I will endeavour to give a legal argument, which for the first time since the commencement of this discussion, has ever been submitted to the House. It will appear remarkable to those not familiar professionally with legal subjects, that with all the acumen of Sir James Mackintosh, and all the crown lawyers that then held office under Her Majesty, it has been reserved for to-night to bring forward a legal argument against the subject on which I feel it my duty now to speak. For the sake of the parties who sustained injury arising from the expedition to Copenhagen in 1807, this case was raised by Sir James Mackintosh; and he stated that if any portion of those goods were taken by Denmark in contravention of the established law of nations, it became our imperial duty to vindicate that law on the part of the subjects who were injured; and if for any reason whatever we failed in discharging that duty, it became our duty to compensate the subjects who suffered by our refusing to discharge that duty. This was when the Danish claims were first raised; and Sir James Mackintosh and those who were engaged with him in their former attempts, took care to have nothing to do with the part of the claims now the subject of discussion. They felt that it was necessary, resting on that ground, carefully to distinguish between those claims which demanded compensation for property on shore, and book-debts, and those claims on behalf of ships and cargoes, because they felt that in such a position there was one reply which could be made, if ships and cargoes were acknowledged to stand on the same footing as the property on shore. Why did the hon. Gentleman opposite seek to bring this case within the law of nations, when the real ground on which it rested was whether the reprisals were made before or after the declaration of war? What follows has relation to the subject of reprisals. The hon. Gentleman has grounded his position on a point of law, on which it is necessary that the legal argument should be clearly understood by each of us. The words reprisals and captures are not to be used in the ordinary and popular sense, but in a strict and legal sense. Now, the hon. Member has taken the ordinary and popular meaning of reprisals, and continued it strictly and legally as the foundation of his argument. He has laid down this distinction in the course of his address, and on that construction contends, that if captures took place before the declaration of war, they are to be considered reprisals, and compensated. With great deference to the hon. Gentleman, I must say, I do not agree with him in his legal definition; and on that ground consider they are not entitled to compensation. Reprisals between nation and nation are allowed in order to enable them to do justice to each other, in matters where they consider themselves aggrieved, and when they have no other means of redressing themselves. If a nation refuses to do justice to another, then the latter, according to the law of nations, might seize the ships of the former, and keep them in pledge till justice is done them; or if they fail to do so, then the capturing party may keep the ships and property seized, and declare them to be confiscated. If an open rupture in consequence takes place, and war ensues, then are they justified at once in confiscating all that has been previously seized. This is the distinction between reprisals and captures. Thus, if a capture takes place, and no warfare arises between the countries in consequence, then is the Government bound to take the claim of the injured parties into consideration, and to grant compensation. But when a declaration of war takes place, the retroactive effect is, that captures fall under the ordinary rules of war, and are not entitled to compensation. The hon. Gentleman says there was no declaration of war; but it has been referred to this evening, and is distinct enough. It declares on the part of the Danish Government that war is actually broken out, and calls upon all faithful subjects to come forward and take such steps as are best calculated to repel hostile attacks. This declaration of war is distinct enough, whatever may have been the acts of Denmark before the period of its being issued; and this declaration was issued on the 16th of August, 1807. Well, but the hon. Member says that the first declaration of war on the part of England was made on the 4th of November, 1807; and here, I think, my hon. and learned Friend has confounded two circumstances. A decla-

ration of war, according to the practice of this country, is an act of hostility; and I believe that no declaration of war, according to the sense of my hon. and learned Friend, had been issued at the very time when he was on his way to take part in the battle of Waterloo. What was the object contemplated by the proclamation of the 4th of November, to which the hon. Member has made reference? That was not a proclamation of war, but a proclamation for the distribution of prizes; and before such proclamation had been issued, such prizes became droits to the Admiralty, and were carried to account of the Consolidated Fund. As between England, therefore, and Denmark, the bombardment of Copenhagen was the declaration of war; as between the Government of England and the captors of prizes, I believe that to them only had the proclamation of the 4th of November reference; and I am astonished that my hon. and learned Friend should have read a judgment of Lord Stowell in support of his position. This is a simple question between the Government of Great Britain and its subjects; not between the Governments of England and Denmark, and, therefore, not bearing on these Danish claimants. I do not know whether I have succeeded in fixing the attention of the House to the conclusion I would seek to establish. I consider that my hon. and learned Friend has, in some degree, confused the question as between the Imperial Government of Great Britain and the subjects of Great Britain making captures, and the Governments of Great Britain and of Denmark. This, I think, is the complete answer to the legal arguments which my hon. and learned Friend has for the first time submitted to the House; an argument which has escaped the attention of Sir James Mackintosh, which has not come under the notice of Mr. Justice Cresswell, and which has not been observed by any of the hon. Members who have introduced this matter before the House. Having taken up so much time in rebutting this argument, I will proceed very shortly to notice the other arguments of my hon. and learned Friend. My hon. Friend says, that Gentlemen connected with the Government take a peculiar view of this question. I would remind the hon. and learned Member, that Lord Althorp had the subject under his consideration. These claims were brought forward for the first time in 1838. Those who had other claims to advance were too prudent to embarrass themselves with these. Therefore, this was the first time this subject was introduced. Lord Campbell and the hon. Member for Worcester did advise the Government what course to take; and the Government had not been influenced in the determination which they came to by any other considerations than those of public policy. Now, Sir, I think the hon. Gentleman will admit that, if his point of law cannot be sustained, he has no ground to rely upon in regard to the principles of general public policy. I think my hon. Friend must see the vicious precedent which he is about to set. Sir, the law of nations is established for useful purposes, and on principles which should not, and ought not, to be departed from. Observe the precedent you are about to set with regard to future wars. But is it only in regard to future wars? Why, these claims are more than thirty years old. Thirty years after the Danish expedition are these claims brought forward. Those persons who had substantial claims upon the Government, never thought of embarrassing the case by bringing in the present one; and it was not until thirty years after the war that this case was brought under the notice of Parliament. And, Sir, if after that length of time the law has been against these claims, you are prepared to grant the justice of the claim in any individual cases of the kind, the precedent that you set does not apply only to future wars; but I know of no ground of justice, of policy, or of national practice, on which you can refuse to deny compensation in the case of any war that has occurred in the history of this country, upon which anybody can bring evidence of loss that has the semblance of truth in support of a similar claim. Sir, having therefore, as I humbly trust, satisfactorily answered the novel argument of the hon. and learned Gentleman, which is placed entirely upon an erroneous distinction, and having cursorily gone over the more general arguments of the hon. Gentleman who moved for this Committee and brought the matter before the House, I do hope that the House will see the necessity of resisting the hon. Member's Motion.

MR. HUME: Sir, it is not necessary on this occasion to enter, after the debate that has now taken place, into details on this subject. I only wish, Sir, to say, that there is no fear of any precedent of this case ever occurring again. I trust that England will never be guilty of such harsh

conduct towards any country, as she was guilty of towards Denmark. I do not believe there is any chance whatever of that. It is one of those measures which were most pernicious and disgraceful to the English nation; and I think that those who were the parties to this transaction should have acquitted themselves as soon as possible of the claims against them. The learned Gentleman says, that this is the first time that this class of claims was admitted. Why, Sir, we know that all these claims were put on the same footing. I believe I have stated them twenty times, or at least as many times as this subject has been brought forward; and does the hon. Gentleman make any distinction when he knows that the right hon. Gentleman the Chancellor of the Exchequer sitting by him did not make any distinction between these claims? That right hon. Gentleman rejected them all in the first instance as unjust; and the distinction now made is ridiculous. It is true, Sir, that those who advocated these claims did, in consequence of some intimation, make a division between these three classes; but I cannot see any distinction between them whatever. I think the learned Gentleman on this side, who has stated the case, has drawn a line; but I have always objected to the Government insisting that a declaration of war was then made. I have only to say, that an argument more inconclusive could not be brought forward on any question. I consider that we should by no means reject these claims, from any fear of a precedent being made out for future or past cases. I state that there is no fear of any claims of this sort being hereafter made. I consider that the parties who make these claims are asking for nothing but justice, and that the Government would be acting most unfairly in refusing a Committee to inquire into these claims. Government has been in possession of funds to the amount of upwards of 1,200,000*l.*, and this they have had in their possession ever since the year 1807. I consider that ample funds are still remaining in the hands of the Ministers to pay all these claims; and I think Ministers should be compelled to pay them. I think this should be the rule, that on whatever ground Government may think themselves warranted in commencing hostilities, they should not allow some portion of the people to suffer by such proceedings, and that if any expenses should be incurred they should be divided equally amongst all classes of the community. One or two individuals should not bear the loss. I think this clear from documents of this House, that the merchants, before they left the river Thames, asked the Admiralty if there was any danger in sending their vessels to Denmark. After arriving in the Baltic, they also inquired of the English Admiral on the station; and the answer they received from him was, "No danger." The merchants were deceived by the Government. Government concealed their plans by giving answers which they knew were erroneous. Some time since it was alleged, and strong arguments held in this House, that the merchants were not entitled to compensation, as they might have been insured. I have not heard those arguments to-night, nor have I heard a single valid argument brought forward to-night in opposition to these claims. The Chancellor of the Exchequer need not be alarmed that in any future war this can be taken as any precedent. No war can take place upon such principles, and attended with such circumstances. I think we may throw that on one side. I ground my vote, as I always have done, upon these two plain facts, that English merchants trading to Denmark considered that they were trading under the protection of the English Government, when the Government had commenced hostilities. They had no advice, and received no information on the subject, till after their property had been seized. Upon these grounds, I think that these individuals have a right to demand of the Government payment of their claims; and I only wish that I could add, and interest. The amount of interest alone would more than twice pay the whole amount of their claims. It would be only justice to add the interest to the principal claimed by these sufferers. If any of the claimants are gone to the grave, their relations may now come forward and justly ask of you compensation for their claims. All you are asked to do is to liquidate those claims. My opinion is, that they are entitled to the whole, principal and interest, as fairly and as justly as any individual having any claim against any other individual. I trust the House will support the Motion of the hon. Member, as it did formerly, and that the Ministers will not act as they have heretofore done, but will agree to the Motion and cheerfully carry it into effect.

Mr. F. T. BARING: I am anxious to say a few words on this subject, because I invariably offered the Motion my determined opposition; and I must, in the first place,

say, that whether you have money in the Treasury or not, if this claim is a just claim, we are bound to accede to it. I have never taken it as a mere financial question, as a matter of pounds, shillings, and pence, but whether the claim was founded on justice or not. Certainly, if it had been founded on justice, no feelings of economy would have prevented the Government of which I was a Member doing justice to the parties. My hon. Friend says that these cases—I am sure his memory fails him—he says that the cases before the House must be held to be included in the other cases decided by the House on a previous occasion; and my hon. Friend is good enough to say that the House ought not to have a divided opinion on these cases, because there was no division of opinion on the others. But to the present claims, which present themselves in a new form, and are different from those specified by Sir James Mackintosh, I shall feel it my duty to offer every opposition in my power. I think that no want of respect on my part; for I feel myself bound, looking at the great consideration which was given to the subject when I was in office, to come to that conclusion. It may be said that we have all a Treasury feeling on the subject; but my noble Friend Earl Spencer closely examined the question for himself—and no one was better able to give an opinion, on account of his fair and upright mind, of what was an equitable claim—and I know he came to a decided opinion that these claims ought not to be allowed; and, as in duty bound, I felt it my duty to consult the law officers of the Crown—Lord Denman and Lord Cottenham; and with every respect to the hon. Gentleman who sits behind me, I must say that I think we should not have been justified in acceding to the claims, when we were advised to the contrary by such high authorities. Sir Herbert Jenner Fust, the Queen's Advocate, was amongst the number. Besides that, the hon. Member for Worcester (Sir T. Wilde) considered the matter with the greatest care, and was occupied for several days in comparing the duplicates of the original documents on which the claims were founded, in order to test their accuracy, and to be enabled to give a decided opinion on the matter. Then Sir William Follett, whose name can never be mentioned in this House without respect, voted, I believe, in favour of these claims; and I recollect that, when he was appointed Solicitor General, he was taunted with changing his opinions, and he stated distinctly that he gave his opinion on the case that was submitted to him, but that when he heard the arguments of the hon. Member for Worcester, he said he could not vote for the Motion of Mr. Cresswell, as he had ceased to have a shadow of a doubt upon the case. The hon. and learned Gentleman (Mr. Watson) has stated what is no doubt the main point of his case, that these were reprisals, and not captures. Now, in the first place, allow me to suggest to him, that I believe the doctrine of declaration of war has been of late much changed. If the hon. Gentleman were called upon to give a legal opinion out of doors, he would say that the old authorities could not now be adopted with respect to a declaration of war. There is no declaration wanted now to constitute war. That is a crotchet that is gone by. Open hostilities constitute war, and no declaration is necessary. But the hon. Gentleman says that if the declaration of the 16th August be considered as a declaration of war, then the case falls to the ground. He says, the declaration of the 16th August was not a declaration of war—I mean the declaration of Gluckstadt. Now, in the first place, what does he give as a definition of a declaration of war? Just look to that declaration of the 16th August. In the first place, let the House read that passage which states that war had actually commenced. If the House would read the declaration of war, they would find that the property of English subjects was confiscated, and that all trade was prohibited between the two countries. There is no necessity for a particular form of words in the declaration of war; but this paper solemnly declares war between the two countries. The hon. Gentleman also referred to the construction which he said had been put upon the proclamation of 16th August, 1807, by Lord Cathcart and Admiral Gambier; and he quoted several words from that proclamation, with the view of showing that, although this declaration had been issued, it was not with a view of carrying on the war. There can be no doubt, however, that it was the intention of the English Government at that period to obtain their demands, if possible, by fair means; and if not, that forcible ones would be resorted to. What was the language of the two officers commanding on that occasion? They stated that the country was not then the theatre

of a negotiation, but of a war. Yet the hon. and learned Member for Kinsale stated that this was only a case of reprisal, and not of war. There is another document, and a very important one, to which I must briefly refer. It is the one bearing date the 4th Nov., 1807, the declaration of war by the Government of this country. How did this document commence? What was the construction put upon the declaration of 16th August? It said, "That whereas the King of Denmark has issued a declaration of war against this country;"—and then, to return to the declaration of the authorities of Denmark of 16th August, we found it stated that war had actually commenced. I cannot see how any other conclusion could have been come to by men of common sense, after reading the papers, than that there had been a positive declaration of war. I am at a loss, in fact, to conceive how any human being, looking through the whole of these papers, can have any doubt that the opinion expressed by the Lord Chief Justice, by the Lord Chancellor, by Lord Campbell, by Sir W. Follett, and the hon. and learned Member for Worcester, is right—that a declaration of war had been made—and that these had been fair and legal captures. Whenever questions of this character come on for discussion in the House, generally it is only those hon. Members whose constituents are directly interested in the result who are to be found in their places; whilst upon the present there is, as well as on previous occasions there has been, but a very scanty attendance of independent Members, arising, I presume, from the circumstance that it is considered by them to be of a very tiresome nature. I must conclude by expressing my intention of voting against the Motion of the hon. Member for Lambeth.

Mr. MILNER GIBSON said: Sir, I have been, amongst others, requested to support these claims, and in giving them my support, I assure you that I do not do so without having given the subject some consideration. I will not trespass long on the attention of the House, but confine my remarks to the meaning of the hon. Gentleman who in his speech argued there was a declaration of war. The main point, it seems to me, to be considered is, whether or not there was a declaration of war. It appears to me, the fact of two of the classes of claims having been declared to be good, is an admission that there was no declaration of war. I understood it to be so stated; and such appears to have been the opinion of Sir W. Follett, as far as the other two cases were concerned. I cannot see how the right hon. Gentleman and the Government can admit these claims as they have done, without giving up the position of the declaration of war. I can see no reason why the present claim should be rejected, having conceded the other claims, on the ground of the declaration of war; and you must, therefore, argue the case upon totally different grounds. With regard to the opinion of the law officers of the Crown, I must say that great care should be exercised in taking their opinion. I have uniformly observed that legal Gentlemen give different opinions when in office to what they give when they are independent Members. When the Government asks them for an opinion, they are more disposed to give a favourable opinion to the Government, than when they are out of office; for, occupying the position they occupy, they are pledged to support the Government. When they are out of office, when they give an opinion, their legal character is at stake; but when they are in office it is well known that they are expected to support the Government, and their opinion is expected to be accordingly. In as far as I learn, legal Gentlemen when out of office, have given an opinion in favour of these claims. But on this occasion it appears that the Attorney General and Solicitor General shrink from coming forward to support the Government. This proves they must think the case of the claimants one of uncommon strength. If the Government had a leg to stand upon, the law officers would no doubt have been here to support them. But instead, we find the case so strong and convincing, that the law officers are unwilling to appear in their places in the House, in order to support the Government. I must further observe, that the legal character of both these Gentlemen, when they were independent Members, was distinctly pledged to support these claims, on the ground of international law. On the grounds of justice, therefore, I am compelled, on the present occasion, to give my support and vote to the hon. Gentleman who has brought forward the present Motion.

Mr. WAKLEY said: I wish to ask a single question of the right hon. Gentleman who represents the Government. Will the Government pay the money if the House decides in favour of the Motion? The question has been decided several

times before, by a vote in its favour, yet the Government have not given effect to it. In doing that have they not been guilty of contempt of the House; and are they not liable to solitary confinement as much as the hon. Gentleman whose case has lately excited the attention of the House? The House, on former occasions, has repeatedly decided in favour of these claims; yet the Government has treated them with contempt. A legal argument has arisen, and out of that wilderness it appears we shall not get; for the hon. and learned Member behind me, when he commenced his speech, said that, on every principle of international law, this money ought to be paid, and he quoted as his authorities Grotius and Vattel; but up rises an hon. and learned Gentleman on the other side, and he says that, on every principle of international law, the money ought not to be paid, and he also quotes as his authorities Grotius and Vattel. It was perfectly ridiculous to pursue a course like this. These claims ought to be examined on a strict principle of justice. The hon. Gentleman the Member for Lambeth stated this evening that he would confine his case to those in which adjudication had already taken place. He said that he would not carry his case further; and as the House had already four times decided that these claims were just, he wished the House to vindicate that opinion, and thus prevent any necessity for their being further troubled on the matter.

COLONEL SIBTHORP had always voted in favour of these claims, because he conceived them to be founded in justice. He should pursue the same course upon the present occasion, and hoped all hon. Members on his side the House, whether they sat in the vicinity of the Treasury benches or not, who had ever supported them, would not shrink from doing so on this occasion.

MR. HAWES said: I shall occupy the time of the House but for a very short period, in reply to one or two of the observations of the hon. Gentlemen opposite. A great deal has been said about this declaration of war; and my hon. and learned Friend has relied upon this as a main point in this case. Now, will the House hear one circumstance in reference to that declaration? The expedition left this country in July, and no declaration, expressing any hostile intention was then issued. The convention was signed on the 7th September with Denmark, and it, therefore, had put an end to any previous declaration of war, if such existed. Hostilities, might, therefore, be considered as ceased, and each country was supposed to be on a good understanding with the other. Now, under those circumstances, what becomes of the declaration of war on the 16th August? That was put an end to. The declaration of the Council on the 4th November was headed in the *Annual Register* "A Declaration of War;" but that was merely an Order in Council, authorizing the issue of letters of marque for the purposes of reprisal. I do say, then, that the declaration of war on the 16th August was superseded by the convention which was afterwards signed by the two countries. I did not say one word about it; and I purposely left it out, because it was put an end to by their subsequent conduct. But the present was not a techical question; it ought not to be decided on technical grounds. The Government had received the money, had applied the money to its own purposes, and ought to pay it. I am not in such a case to be met by the technicalities of law: and if you do resort to law, what was the opinion of Sir W. Follett and Dr. Lushington? I hold in my hand the opinion of Sir W. Follett, in which he states that these very claimants whom you have paid, have no real claim at all. Why did you pay them then? It was on the principles of equity you did so. The words of the opinion are these:—"This question is not a question of law, nor have either classes of the claimants any legal claim upon the British Government." You paid the debt —well, why did you pay it? You felt that there were higher claims upon you than those of law; you felt that there were claims of equity and of justice, which you could not dispute. The highest men in the realm have been the advocates of these claims. Mr. Wilberforce spoke for them; and I ask you was he a man to speak for anything that was unfair or unjust? Why, what have you done? You have granted a solemn investigation into the case, and after having cut down their claim from 500,000*l.* to 224,000*l.*, are you prepared to turn round and say, we will not pay you? If you stand upon the high ground of law, you had no right to have put them to this expense. You had no right to have investigated the matter and made a mockery of justice. It is not on a mere question of law I argue; I argue here as a plain man of business connected with trade; and I do say, that the trade and

interests of this country have been treated with injustice, and it is against that injustice that I move for this Committee of Inquiry.

The House then divided:—Ayes 59; Noes 41: Majority 18.

List of the AYES.

Aglionby, H. A.	Mangles, R. D.
Baine, W.	Masterman, J.
Bannerman, A.	Mitchell, T. A.
Barclay, D.	Morison, Gen.
Barnard, E. G.	Neeld, J.
Borthwick, P.	Norreys, Sir D. J.
Bouverie, hon. E. P.	O'Brien, T.
Broadley, H.	O'Connell, D.
Browne, R. D.	O'Connell, M.
Browne, hon. W.	O'Connell, J.
Buller, C.	O'Conor Don
Cayley, E.	Ogle, S. C. H.
Chapman, A.	Ord, W.
Christie, W. D.	Palmer, G.
D'Eyncourt, rt. hn. C. T.	Pechell, Capt.
Duke, Sir J.	Powell, C.
Duncan, G.	Richards, R.
Esmonde, Sir T.	Rumbold, C. E.
Ewart, W.	Sibthorp, Col.
Fielden, J.	Spooner, R.
Forster, M.	Strickland, Sir G.
Gibson, T. M.	Thompson, Ald.
Hanmer, Sir J.	Thornely, T.
Hotham, Lord	Wakley, T.
Hudson, G.	Warburton, H.
Hume, J.	Ward, H. G.
Humphery, Ald.	Wawn, J. T.
Hutt, W.	Worcester, Marquess of
James, Sir W. C.	TELLERS.
Kemble, H.	Hawes, B.
Mackenzie, T.	Watson, J.

List of the NOES.

A'Court, Capt.	Goulburn, rt. hon. H.
Barkly, H.	Graham, rt. hon. Sir J.
Baring, rt. hon. F. T.	Greene, T.
Baring, rt. hon. W. B.	Hayes, Sir E.
Bowles, Adm.	Hope, G. W.
Brooke, Sir A. B.	Jermyn, Earl
Bruce, Lord E.	M'Neill, D.
Buckley, E.	Meynell, Capt.
Cardwell, E.	Neville, R.
Carew, W. H. P.	Patten, J. W.
Carnegie, hon. Capt.	Peel, rt. hon. Sir R.
Clerk, rt. hon. Sir G.	Peel, J.
Cockburn, rt. hn. Sir G.	Smythe, hon. G.
Compton, H. C.	Somerset, Lord G.
Corry, rt. hon. H.	Sutton, hon. H. M.
Cripps, W.	Trench, Sir F. W.
Damer, hon. Col.	Tufnell, H.
Douglas, Sir C. E.	Wellesley, Lord C.
Duckworth, Sir J. T. B.	Wortley, hon. J. S.
Escott, B.	TELLERS.
Fitzroy, hon. H.	Young, J.
Flower, Sir J.	Baring, H.

RAILWAY LABOURERS.

MR. BOUVERIE moved—

"For a Select Committee to inquire into the condition of the Labourers employed in the construction of Railways and other public works, and into the remedies which may be calculated to lessen the peculiar evils, if any, of that condition."

He called the attention of the House to a statement that had appeared in some of the morning papers relative to a system that was or had been in operation on an Irish railway—he alluded to the Dublin and Mullingar line. It was alleged that the labourers were on that line only paid once a month, and not in money, but in pieces of paper, something in the shape of promissory notes. The hon. Member read a copy of one of those documents, which was to the following effect:—"Mullingar —Pay the bearer one shilling, which we will pay on demand at our office here. (Signed) ——." He would not mention the name attached to the document; it was sufficient to notice the existence of such a system, to show the necessity for inquiry into the condition of the railway labourers. He would not detain the House by making a speech, as he hoped there would be no objection offered to his Motion.

MR. EWART, in seconding the Motion of his hon. Friend, said, that the immorality that was known to exist to so great an extent amongst that class of people was, in his opinion, a sufficient reason for requiring that some inquiry should be made.

SIR J. GRAHAM would save the Speaker the trouble of putting the question, by at once stating that it was not his intention to oppose the inquiry. He was obliged to the hon. Member for bringing the matter under the consideration of the House, although he did not anticipate that anything very important would result from the inquiries of a Committee. He considered that railway companies did not sufficiently avail themselves of the powers with which they were vested, in keeping an efficient police force along their respective lines; and he thought that they should be compelled to do so. He must say, that in many districts it was absolutely necessary that the payments should be made to the labourers in kind, and not in money. He mentioned more particularly Westmoreland, in many parts of which, where railway labourers were employed, they were eight or ten miles from any town, and therefore in such cases it would be impossible, if they were not paid in that way, that the workmen could obtain even the common necessaries of life. He knew, however, that the system was open to great abuse; he altogether condemned the principle of paying the people in paper notes,

and he hoped that something might be done to put an end to it. He also admitted that the subject was one of great importance, which it was worth inquiring into before a Committee; and whatever suggestions they should make on the subject, it would be his duty to attend to.

MR. HUME condemned the "truck system;" but, at the same time said, there were many advantages conferred upon labourers by large companies supplying them with the necessaries they required. He recollected visiting the very extensive works that were established at Lanark. There all the workpeople were supplied with every necessary at 15 per cent cheaper than they could have purchased them elsewhere. He had no objection to the proposed inquiry, because he thought that it would lead to the conviction that the less they interfered between the employers and the employed, it would be so much the better for both.

RAILWAY LEGISLATION.

MR. HUDSON rose, pursuant to the Notice he had given, for the purpose of moving that the following Clause should be inserted in all Railway Bills of the present Session, by which new companies are to be incorporated :—

"And be it enacted, that the directors shall, within three months of the passing of this Act, cause the names and additions of all the several corporations and persons entitled to shares in the company, to be entered in the 'Register of Shareholders,' directed to be kept by 'the Companies Clauses Consolidation Act, 1845;' and the said directors shall cause an extraordinary meeting of the shareholders in the company to be called within six months from the passing of this Act, for the purpose of considering and determining whether the company shall proceed in the execution of the powers of this Act, or whether such company shall be forthwith dissolved; and it shall be lawful for such meeting so called, at which three-fifths at least of such shareholders shall be present, either personally or by proxy, to determine either that the company shall proceed in the execution of the powers of this Act, or that the company shall be forthwith dissolved; provided that before such meeting be called, it shall not be lawful for the company or the directors to put in force any of the powers of this Act relative to the taking or using of land; and in case such meeting so called shall determine that the company be forthwith dissolved, the company shall be thereupon forthwith dissolved accordingly, except for the purpose of winding up the affairs thereof as hereinafter mentioned; and thenceforth all the powers of this Act with relation to the taking or using of land, or otherwise, shall absolutely cease and determine, anything herein contained to the contrary notwithstanding (subject, and without prejudice to all existing debts, liabilities, or agreements contracted or entered into by the company, and subject to the provisions hereinafter contained); and the directors, after full payment and satisfaction, in the first instance, of all the debts, liabilities, and agreements contracted or entered into by the company, and of such compensation as hereby provided, shall divide the residue or surplus of the moneys and effects of or belonging to the said company, rateably among the shareholders in the said company in proportion to their respective interests therein: provided, nevertheless, that the company shall make full compensation to all owners, lessees, and occupiers of land and others, in the same manner as is herein provided in cases of compensation for land required for the purposes of this Act, for all loss, damage, costs, charges, and expenses which they may respectively have sustained or been put unto in consequence of the proceedings of the company in obtaining this Act, or under any of the powers thereof; the amount to be ascertained, in case of dispute, by the verdict of a jury, or by reference to arbitration, as herein provided in other cases of disputed compensation; and all corporations and persons to or with whom such debts, liabilities, or agreements shall have been contracted, or entered into, or who shall be entitled to any such compensation as aforesaid, shall, notwithstanding the determination of such meeting, have such and the same rights and remedies against the said company for the recovery and enforcement thereof respectively, as they would have had if no such meeting had taken place, and as if the company had continued to exist: And be it further enacted, that if the directors shall not within four months from the passing of this Act cause due notice of such extraordinary meeting to be given, it shall be lawful for any six or more of the persons entitled to shares in the said undertaking, holding in the whole shares or stock to the amount of at least 5,000*l.* to call such meeting by notice, signed by such shareholders, and published in the manner required by this Act with regard to extraordinary meetings of the company; and the proceedings of the meeting so called by such shareholders, at which three-fifths at least of the shareholders shall be present either personally or by proxy, shall be as valid, and shall have the same force and effect, as if such meeting had been duly called by the directors; and for the purpose of winding up the affairs of the said company, in case such meeting shall determine on the dissolution thereof, it shall be lawful for such meeting to appoint a Committee, consisting of such number of persons as they shall think fit, being shareholders in the company; and the directors shall forthwith transfer to such Committee all documents, books, papers, and accounts of or belonging to the company, and shall also transfer to such Committee all moneys, securities for moneys, and other effects and property of, or belonging to the company; and such Committee, or the survivors or survivor thereof, shall forthwith proceed to wind up the affairs of the company, and shall, in the first place, convert into money such of the effects as shall not consist of money, and pay and discharge all the debts, contracts, and liabilities of the company, and subject thereto, and to the necessary expenses of such Committee in the execution of their powers, the surplus of the said moneys shall be forthwith divided by such Committee rateably amongst the shareholders in the company in proportion to their respective interests therein; and in the event of the directors refusing

or neglecting to transfer to any such Committee the documents, books, papers, and accounts, moneys, and other property and effects of the company, within ten days after demand, in writing, signed by such Committee, or the survivors or survivor of them, and delivered to any one of such directors, or left at his last or usual place of abode, it shall be lawful for such Committee, or the survivors or survivor of them, to pass a resolution that such company is desirous to wind up its affairs; and upon a copy of such resolution, signed by any one or more of such Committee, being filed in the office of the Lord Chancellor's Secretary of Bankrupts, every such company shall be deemed to have committed an act of bankruptcy at the time of filing the copy of such resolution, and thereupon such proceedings shall be had and taken for the purpose of winding up the affairs of the said company as are directed in and by an Act passed in the eighth year of the reign of Her present Majesty, intituled, 'An Act for facilitating the winding up the affairs of Joint Stock Companies unable to meet their pecuniary engagements,' in the case of any of the acts of bankruptcy therein mentioned, being committed by the companies therein referred to: provided that notice shall be given by the directors, or such committee as aforesaid, if appointed, of the determination of such meeting of shareholders, to be called as aforesaid, with reference to the proceeding in the execution of the powers of this Act, or the dissolution of the company, in the *London Gazette*, and in one or more newspapers of each county in which the lands proposed to be affected by this Act shall lie, within fourteen days from the holding of such meeting: and at any such meeting to be held as aforesaid, the voting shall take place in the manner prescribed in the 'Companies Clauses Consolidation Act, 1845,' with reference to meetings of shareholders therein referred to."

In moving the adoption of that Clause, the hon. Gentleman said that at the time he had first given notice of it, he was not aware of the intentions of the Government with regard to the steps that had since been adopted by them in reference to the winding up of railway companies; but upon a careful consideration of the Resolutions adopted by the House, he was still of opinion that the clause he then proposed was wanting. He must observe that before the deed could have effect, it should be signed by shareholders for the full amount of the estimated capital, so that it was even still in the power of the directors of any company to avoid putting the Act in force after it should have been obtained, by not allowing it to be completed. But the effect of his clause would be to compel the completion of the registration of shareholders, and thereby give to those parties who had signed the deed an opportunity of getting rid, if they should so think fit, of the liabilities to which they had thereby subjected themselves. The Resolutions passed by the House already had not provided for the class to which he referred. They had merely provided power for the scripholders to meet and decide whether they would or would not proceed with the undertaking. But the House should recollect that the scripholders might pass resolutions empowering the directors to proceed, whilst, as the law stood, the purchasers of scrip were not compelled to register it; and the original subscribers to the deed, however unwilling they might have been to go on with the undertaking, would remain liable, and might be called on to raise the money to complete the work when it would have been found to be an utterly unprofitable speculation. Some such clause as that he then proposed was absolutely wanting, no remedy whatsoever having been otherwise provided for the signers of the deed; and his object was to give to the *boná fide* subscribers an opportunity of reconsidering their condition, and not only of reviewing their position, but of winding up the concern if they should think fit. A strong case in point, showing the necessity for such a power, occurred in the year 1836, when a great number of Bills for the formation of joint-stock companies were passed. The subscribers to the deeds sold their scrip; and after a lapse of two or three years, and long after they had thought themselves quite rid of their liabilities, they were called upon in the year 1839 to pay up demands of 30*l.* and 40*l.* a share, by which numbers were totally ruined.

Viscount EBRINGTON differed in opinion with the hon. Member for Sunderland (Mr. Hudson) as to what he said in reference to their being no necessity for inquiry—as he considered it absolutely necessary, if for no other reason, on account of the large numbers of labourers that had been recently killed and wounded at one of these public undertakings. From the immense number of these people who were congregated together, away from their friends and relations, and without possessing any tie to connect them with their superiors, except that of receiving their weekly payments, and being, as he might add, altogether devoid of control and discipline, they possessed all the evils without any of the benefits of a standing army.

Mr. MANGLES said, that no one could see or hear of the manner in which the railway labourers lived and conducted themselves, as they were so different from all other description of labourers, without at once admitting that some inquiry should

be made into their condition. The hon. Member referred to a gross outrage that had lately been committed on two respectable females, by some ruffians who were labourers on a line of railway in Westmorland, to show the state of demoralization in which that class of persons existed, and the necessity there was for some improvement. He thanked his hon. Friend for bringing the subject under the consideration of the House.

Mr. AGLIONBY rose to express his opinion that it was a dangerous thing to have such a large body of men assembled together, without having them under complete control. There had been several instances where riots had ensued between the Scotch and Irish labourers engaged on the several lines, and therefore he thought there was a necessity for some check being put upon them to prevent their recurrence.

Mr. WAKLEY thought it was very creditable to the Government to have yielded so readily to the Motion of the hon. Gentleman; but he did not know what was to be gained by the inquiry. It was notorious that the labourers preferred amusing themselves to going to church on Sundays, and their inquiry could not alter that. The people themselves had not complained of their condition, and if they had, he would venture to say, their complaint would not have been attended to—as he knew that when the people petitioned the House for the redress of any grievance, their petitions were never taken notice of; but when there was no petition from the people themselves, immediately the greatest alacrity was displayed in granting any Motion made by an hon. Member; which appeared to him most extraordinary, and a circumstance that he could not account for. They had business enough before the House already, without superadding this discussion. If the people were ignorant, it was the fault of the State, which did not provide sufficient education for them. He saw no reason why the poor should be debarred from rational recreation upon Sunday, and thought that any infringement on their humble sports by the people's House would be a most impolitic as well as a most improper proceeding.

Sir G. GREY said, that it was evident the facts, though notorious, were not known to the hon. Member for Finsbury. The hon. Member could never have seen the report of Mr. Chadwick as to some lines. It was clear from that that there were evils to be checked which could not be designated as "innocent enjoyments." He was quite sure it was not the intention of the Mover to impose any undue restraints on the railway labourers: all he required was that a proper check should be placed upon them, so as to have a moral and religious effect. He must do the hon. Member for Sunderland the justice to say, that he had immediately adopted a plan for the benefit of the labourers. He did not hope much from legislation on this subject; but the inquiry would do great good if it called the attention of the railway directors to the wants of the labourers.

Sir W. JOLLIFFE thought great good would be effected by inquiry. He believed that under the present state of things the men were, in many cases, defrauded by the truck system.

Mr. O'CONNELL was convinced this inquiry would do nothing but good. Where mischief existed, it would point out the remedy for it; and where good management prevailed, it would stimulate others to imitate such an example. His chief object in rising was to say he had no such horror of the truck system as had seemed to prevail amongst some hon. Members. He believed the effect of it in many cases was to enable the employer to give employment to the labourers longer than they could otherwise continue it. The labourer under it was much better and more cheaply supplied than by the village shopkeeper or the huckster; and on the part of the labourers employed on Irish railways, he must say he had no such superstitious horror of the truck system as seemed to sway many in that House.

Mr. BECKETT DENISON thought, from information which he received, that abuses often prevailed under that system. These poor men ought, when necessary, to be protected, as, though they received high wages, they worked harder and exhausted life faster than any other class. He was bound to say that in the West Riding of Yorkshire the navigators were a very orderly set of persons.

Dr. BOWRING concurred in the necessity of inquiry. The truck system was often employed in a most intolerant and intolerable way.

Motion agreed to.

DR. FITZGERALD.

Mr. O'CONNELL begged to state to the House the following facts connected with the Motion he was about to make. Two persons of the name of Kyly had been

tried at the last Waterford assizes, for the offence of endeavouring to hire two persons to commit a murder on a man named Maher. Those persons had been committed on the charge, and had lived in gaol for six or eight months before trial. An application had been made to the Judges of the Court of Queen's Bench to let them out on bail; but the Crown resisted that application. The matter entirely originated in the misconduct of the stipendiary magistrate, Dr. Fitzgerald, who took the depositions of the witnesses against the Kylys, and gave them some general caution, but endeavoured to obtain a confession of guilt from them. The witnesses against them were in the hands of the police; and he could, with the greatest facility, have brought those witnesses forward, and read their evidence before the prisoners. But he did no such thing. He concealed the depositions; and up to the time of the assizes, the prisoners had no notice of the nature of the evidence against them. The following remarkable fact, showing the amount of misconduct of which the stipendiary magistrate had been guilty, stood out in the case before them. At the trial one of the principal witnesses for the defence proved that one of the prisoners had been at the quarter-sessions at Dungarvon on the very day that the offence was said to have been committed. If Dr. Fitzgerald had done his duty, and the depositions had been sworn before the prisoners, it would have been ascertained that it was utterly impossible the charge could be true. The hon. Gentleman moved for the following return :—

"That there be laid before this House Copies of the Correspondence between the Irish Government and Dr. Fitzgerald, stipendiary magistrate in the county of Waterford, on the subject of the trial of persons of the name of Kyly, who were tried at the last assizes of Waterford, before the Lord Chief Baron, and upon which occasion the Chief Baron pronounced severe censure on the conduct of the said Fitzgerald:—And of the Report of the said trial, furnished by the Lord Chief Baron to the Irish Government. Also, a copy of the Depositions taken by the said Dr. Fitzgerald against the prisoners, previous to their trial. Also, copies of the affidavits filed on the motion for admitting the said prisoners Kylys to bail previous to trial, with the decision of the court thereon."

Sir J. GRAHAM by no means denied the importance of the Motion of the hon. Member; and when he said so he was quite sure the House would be of the same opinion. As the hon. Gentleman informed the House that when those documents had been laid before them he intended to make a Motion for a Select Committee, he (Sir J. Graham) thought it would be more expedient for him not to enter at length into the merits of the question on the present occasion. He acceded at once to the Returns in the latter part of the Motion. As to the first part of the Motion, he did not think it was his duty to consent to the production of the Papers required by the hon. Member. It was quite clear that Dr. Fitzgerald, in omitting to acquaint the prisoners with the evidence of the witnesses against them, had been guilty of great irregularity. The hon. Gentleman alluded to certain expressions said to have been used by the Lord Chief Baron, at the trial, as to the conduct of Dr. Fitzgerald. It was reported that the Lord Chief Baron said that the conduct of the magistrate had been illegal, unconstitutional, and dishonest. The correspondence with the Lord Lieutenant, for which the hon. Member had moved, was of a confidential nature, though connected with public business; and he should not, therefore, be disposed to produce those communications ; but he might say that the Lord Chief Baron highly disapproved of the conduct of the magistrate. The expressions which were reported to have been used by him had not, however, fallen from him on that occasion. The conduct of the magistrate had been considered worthy of censure—that censure had been conveyed to him in express and decided terms—he had been removed from the district in which he had been magistrate—and the censure pronounced on him was on record. He regretted to say that Dr. Fitzgerald's conduct did not appear to have been singular. Though the practice was quite irregular, he was sorry to say it had existed for a long time in Ireland. The magistrates, however, had been warned against adopting it by a letter sent to every stipendiary in that country. He hoped the hon. Member would not press the first part of his Motion. He had not the slightest objection to accede to the latter part of it. He should be very sorry if he were understood, as in the slightest degree, palliating or defending the practice of which the hon. Member so justly complained. He quite agreed with the hon. Gentleman in the remarks he had made, and in those which had fallen from the Lord Chief Baron, than whom there was no more able or disinterested Judge on the bench of any country, and whose observations were always entitled to the greatest respect.

MR. O'CONNELL had an ulterior object in moving for the Returns. The right hon. Baronet seemed to have discovered the existence of the scandalous and most disgraceful practice of taking depositions against prisoners without apprising them of evidence against them but recently, or no doubt he would not have permitted it. Such a practice would not be tolerated in this country for instant. The conduct of the magistrate, who was a Government officer with large pay and emoluments, was infinitely worse on that account than if he had been a voluntary and unpaid servant of the Crown. He had been several years a magistrate, and had not the excuse that he was ignorant of his duty. Kyly might have been executed, if the man who proved his innocence happened not to come forward at the trial, but he would have been free from danger had he heard the evidence taken against him at his committal.

Original Motion negatived, and the following agreed to :—

"Copies ordered, of the Depositions taken by Dr. Fitzgerald, against the prisoners of the name of Kyly, previous to their trial of the last Assizes of Waterford :—Of the Affidavits filed on the motion for admitting the said prisoners to bail previous to trial, with the decision of the Court thereon :—And of a Circular Letter from the Lord Lieutenant of Ireland to the Stipendiary Magistracy of Ireland on the subject of taking Depositions in the absence of accused persons and examining accused persons without the production of the Depositions in the absence of the witnesses."

MR. SMITH O'BRIEN.

SIR R. PEEL had to call the attention of the House to a circumstance which had recently come to his knowledge, and respecting which it appeared desirable the House should come to an immediate decision, though no notice had been given on the subject. The circumstance he referred to was this : There was a Committee of the House of Lords now sitting to inquire into the operation of the Poor Law in Ireland, and some time since that Committee expressed a wish that the hon. Member for Limerick (Mr. Smith O'Brien) should obtain leave from the House to attend and give evidence before them. The hon. Member had expressed his willingness to attend that Committee, and the House had given him liberty to do so. The Committee would sit to-morrow, and he had reason to believe that to-morrow would be the last day of their sittings. Under these circumstances, if no order was made by the House, the hon. Member for Limerick would have no opportunity of giving the evidence which the Committee of the House of Lords desired to receive, the hon. Member being, as the House was aware, now in the custody of their Serjeant-at-Arms. His right hon. Friend had found two precedents which appeared to him to have an immediate bearing on this point, and to afford the grounds on which the House might make an order in the matter. It appeared there were two cases in which parties being in the custody of the Serjeant-at-Arms, when the House of Lords desired to have their evidence, the House had given an order to the Serjeant-at-Arms to permit those persons to attend the Committee of the House of Lords for that purpose. He did not see any reason for a distinction in this respect between a Member of that House and private persons; and if such should be the opinion of the House, he would move—first, that the entry of the 16th March, 1846, giving leave to the hon. Member for Limerick to attend a Committee of the House of Lords should be read ; and, secondly, that the Serjeant-at-Arms should permit Mr. Smith O'Brien, in his custody, to attend and give evidence before that Committee. He had reason to believe that it was the wish of Mr. Smith O'Brien to do so. He would not have made the Motion without notice, were it not that if the order were not made that evening, the hon. Gentleman would not have an opportunity of giving his evidence.

The entry was then read, and the Motion agreed to.

House adjourned at Ten o'clock.

HOUSE OF LORDS,

Friday, May 1, 1846.

MINUTES.] PUBLIC BILLS.—2ª Railway, &c. Deposits; Exchequer Bills.

Reported. Deodands Abolition; Commons Inclosure.

PETITIONS PRESENTED. By the Earl of Powis, from Newport, and several other places, against the Union of St. Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester.—By Lord Denman, from the London Missionary Society, praying to be heard by Counsel against the Charitable Trusts Bill, and that they, and other Charitable Institutions supported by Voluntary Contributions, may be exempted from the Operations of the Bill.—By the Duke of Wellington, from Trustees of Charities in the Town of Nottingham, appointed under the Provisions of the Municipal Corporations Act, and from the Presidents, Vice Presidents, Treasurer, and Subscribers of the London Orphan Asylum, against the Charitable Trusts Bill.

RAILWAY COMPANIES' DISSOLUTION BILL.

The EARL of DALHOUSIE moved, that the House go into Committee on this Bill.

The EARL of RADNOR wished that the further consideration of this Bill should be

postponed, as he thought it required considerable alteration before it could be allowed to pass. He felt that under the Bill as it now stood some of the best schemes might be unfairly put an end to; and in corroboration of this view he would beg to read a letter which had been forwarded to him by some gentleman whom he did not know. The noble Earl then read an extract from the letter, in which the writer, who described himself as a holder of shares in several railway companies, alluded to the injustice that would be done under the proposed Bill to many projects of the greatest public importance, and suggested that a small portion of the capital subscribed should be retained for the purpose of keeping the companies together, and the rest returned to the subscribers until a more favourable state of the money market should enable them to proceed with their schemes. The noble Earl continued to say, that it was notorious that immense sums of money had been latterly expended in the purchase of railway scrip, with the intention of breaking up the companies and sharing in the surplus capital that would remain to be divided among the scripholders. He had been informed, both on that day and on the day preceding, that shares which had been some days ago at a discount of 50 per cent, were now at 50 per cent premium. Shares on which 2*l.* 2*s.* deposits had been paid, and which had gone down afterwards to 1*l.*, were now as high as 3*l.* per share. He would suppose the case of a company comprising 100 shareholders: if fifty-one of these persons wished for any reason, good or bad, to depart from the undertaking, was it not a hardship that the forty-nine other shareholders should be thrown aside, and all the money that had been subscribed for the preliminary proceedings wasted? The hardship was very much increased, and the injustice both to the parties and to the public rendered much greater, where the shares were purchased up for the purpose of acquiring votes in order to put an end to the project. He could mention one case in which no opposition whatever had been offered to the Bill in the House of Commons. It passed through Committee, he believed, in half an hour, and had the concurrence of all the proprietors along the line. It was a Bill for a railway connecting an extensive and valuable coal-field with a seaport. Another coal-field situated four times as far from the sea, but accommodated with a railway, was able to supply coal at a lower rate than it could be furnished by the works to which he alluded. The result was, that instead of producing 120,000 tons of coals, as in former years, the quantity had dwindled down last year to 60,000 tons. Would it not, he would ask, be most unjust both to the projectors of this railway and to the public, if the proprietors of the rival coal-fields and railway were to purchase a sufficient number of shares in this line, to prevent the Bill from being passed; and yet this, he understood, was a case which was not unlikely to occur. The gentleman who had mentioned the circumstance to him requested that he would not mention the name of the railway. He thought that to meet such cases a minority should be allowed to continue the company if they chose to do so, allowing the majority to retire, on payment of their proportion of the liabilities. A great deal of money had been expended in constructing plans and sections, and in making surveys, and it was too bad if these were to be allowed to become valueless. He understood that his noble Friend below him (Earl Grey) had drawn up some clauses to meet this difficulty; but he was not aware whether it was his noble Friend's intention to press them or not.

The Earl of DALHOUSIE said, that as a noble Earl opposite had prepared some clauses intended to apply to the cases referred to by the noble Earl who had just sat down, he would suggest to the House that it would not, perhaps, be desirable that he should follow the noble Earl in the arguments he had just used, at the risk of being obliged to go over the same ground twice, but that it would be better for their Lordships to go into Committee and hear the specific proposals intended to be submitted to them, before he was called upon to make any observations with respect to them.

Earl GREY said, he must entirely object to the discussion being postponed until he should have brought forward any Amendment which he might have in contemplation; because whether he did, in fact, propose any, would depend upon what he might now hear from the noble Earl; and before the House went into Committee, their Lordships had a right to know whether the Government had considered the evils and dangers that were likely to arise from the crude and imperfect nature of the Bill, and whether they were prepared with any measure to correct the objections so forcibly pointed out by the noble Earl behind him, as well as by a noble and learned Lord who, he believed, had now left the House,

and by a noble Marquess behind him. He had no doubt that if Her Majesty's Government applied themselves sedulously to the task, means might be found of guarding against those evils. He believed the measure to be substantially a wise one; but if it were passed in its present shape, he was convinced that great inconvenience, mischief, and injustice would flow from it. He did not think the Government had a right to rely upon Amendments, which might or might not be proposed for the purpose of correcting the defects of their measure; and he, for one, was of opinion that, before going into Committee, and rejecting the proposal of postponing the Bill for a few days, their Lordships ought to hear from the noble Earl opposite what were the views of the Government as to the evils which had been pointed out, and the means of remedying them.

The EARL of DALHOUSIE said, that so far from the Government relying upon any Amendments to be proposed by the noble Earl opposite, he would at once say, (having by the courtesy of the noble Earl seen those Amendments) that if the noble Earl did propose any such, he (Lord Dalhousie) would do all his power to persuade their Lordships to reject them. With reference to the views entertained by Her Majesty's Government as to the objections that had been urged, and the observations which seemed to be expected from him in regard to them—if the noble Earl had been in his place in Parliament at the previous stages of the measure, when intimation was given of the intention to introduce it, at its introduction, and at its second reading, he would have heard the considerations suggested by the noble Earl behind him (the Earl of Radnor) adverted to by him (Lord Dalhousie). All these points had been maturely considered by the Government, and yet it was made a matter of complaint by his noble Friend who sat next him, that the Bill had too premature an announcement. From that time to this, these difficulties were under the consideration of Her Majesty's Government, and they had resolved to decline such Amendment, feeling that it was impossible to provide a remedy for the mischief. What the noble Earl complained of was, that gambling was going on in the stock market. He (Lord Dalhousie) had admitted once, twice, thrice, that there was much gambling going on; but, as he had said before, and repeated now, that that ought not to induce their Lordships to reject this Bill; it was no reason for their passing it—in short, the Bill would have no effect with respect to it one way or other. And the reason he said so was this—that the gambling was going on long before this Bill was heard of. It was notorious that in the country to which he belonged, the first movement, professing to originate in a desire to relieve the money market, was a movement commenced by persons desirous of winding up: the only effect that would be produced upon the gambling in reference to this Bill was, that if it were rejected, the gambling would be twenty, ay, fifty times worse, because if these inchoate companies were left in a state of impossibility of winding up, they would be hung up indefinitely, and parties would speculate so long as there was a chance of obtaining anything. Therefore, so far as the gambling was concerned, he said it formed no specific objection to their Lordships proceeding with the Bill. Then with respect to the other part of the case—the purchase of shares for the purpose of winding up companies—he had said before, and he repeated he had no doubt it would be done; it was a practical impossibility to remedy the evil complaided of by the noble Earl. It was practically impossible to remedy such an evil by means of limiting the right of voting to the original scripowners, as scrip, like a bank note, could not be identified with any particular party. The question for their Lordships was, which was the least mischievous alternative? There was no doubt that individual hardship would accrue; but he said that the evil that would arise in taking advantage of the practical remedy which the Government proposed, and that the only one which anybody had suggested, would be but a feather in the balance, compared with the evil to the commercial community, and the population in general, if a stop was not put in some way to the progress of things as they were now going on. He thought it a matter of courtesy to allude to the Amendments of the noble Earl, as he had the kindness to place them in his hands that morning. The noble Earl had stated that great injustice would be done if means were not taken to enable shareholders to continue the existence of a company. Let him, in the first place, again disabuse the noble Earl's mind of the impression that the Bill which he held in his hand and the Sessional Orders were for no other purpose than to save speculators from the scrape

into which they had got themselves. The Bill was to enable companies which were inchoate—which had not come before Parliament, or, having come before Parliament, had failed from their own demerits, or from non-compliance with Standing Orders—to enable them to wind up their affairs, to see in what position the partnership was, and to relieve themselves from their liabilities. Let him also disabuse the noble Earl of the notion that the measure applied solely to the Bills now before Parliament. There had been upwards of 1200. Now there were not more than 430 or thereabouts, and all the others were in the condition of partnerships in a state of incapacity of winding up their affairs, and ascertaining what liabilities they were subject to hereafter. The noble Earl said, that on the dissolution of a company its property ought to be vested in the minority if they wished to go on. He (Lord Dalhousie) objected to that as an injustice to those who were retiring. It would be a downright robbery to allow twenty or some small minority of shareholders, to possess the whole of the valuable property belonging to those who were retiring. The proper course would be to let the concern be wound up, let the property be sold, and let the dissentient minority, if they purchased, purchase it; and for a *5l.* note they could go before the Provisional Registrar, and constitute themselves a new company. There was no doubt that gambling was carried on in the worst form, and would still be carried on. It was a great, an acknowledged, and an unmitigated evil; but the proposition of the noble Earl would only tend to increase it a thousand fold. He feared it would do neither more nor less than provide a nest-egg for speculation all over the kingdom; and the lowest and worst kind of speculators would incubate upon it, till, by this time next year, it would produce a most mischievous brood of these schemes. If there were no other remedy for this state of things, the course proposed might be adopted. But there was a remedy: if there were parties who were desirous of going on, they had nothing to do but ascertain the value of the assets of the company, then go down to Serjeant's Inn, and they were again a registered company, possessed of their plans. He again asked, was there any evil in this course? And he defied any noble Lord to say that he had exaggerated his statement. Such being the case, a remedy being provided on the one hand for the existing evil, and one which was so little liable to abuse on the other, he thought their Lordships could adopt no other course. On these grounds he should object to the proposal of the noble Earl, entering at the same time fully into his motives, and desiring, as sincerely as he, that no unnecessary pressure should be applied to these companies—desiring that the expense already incurred should, if possible, not be wasted, and anxious to give the minority, if they were desirous of going on, the means of possessing themselves of the plans for the purpose of doing so. He conceived he had now disposed of all the points of the noble Earl opposite; and he trusted their Lordships would see no objection to going into Committee.

Lord MONTEAGLE said, he thought his noble Friend who had just sat down had answered a certain part, but not the essential part, of the proposition of his noble Friend. But he would appeal to their Lordships if ever there was a state of things more painful to contemplate with respect to parties out of doors, and more disgraceful to the Legislature, than that the Government should have allowed such a system to arise and to be fostered, and should then come forward, admitting its existence, and seek to remedy these evils not by grappling with the subject in a large and masterly manner, not by laying down some broad and intelligible principle with respect to these great speculations (for great and important they were in their bearings on the national interests, and well worthy of being protected and guided to good results)—not by dealing with this question in such a manner as to give the country any hope for the future, but by dealing with it as a thing of shreds and patches—here a little remedy by an Order of their Lordships' House, and here a little remedy by Act of Parliament, but giving to the people of this country no indication of any stability of plan, any large intention, any statesmanlike way of dealing with the subject. He quite agreed that the object of the Bill was a good one; they were all anxious to accomplish the object it professed to have in view. But how did the Bill propose to do this? He had not taunted his noble Friend (the Earl of Dalhousie) with being premature in his announcement, but with the ineffectual mode in which he proposed to deal with the question; and he now repeated that charge. If ever there was a course likely to be prejudicial to the public interests, it was that of stating, that at a future time on the

31st of March—leaving an interval for all speculators to prepare themselves in—an altered state of the law would take place. There was no example, as far as he knew, of anything approaching to this in any analogous legislation. The noble Earl had given notice, on the 31st of March, that persons becoming possessed—not persons then possessed—of stock, might act in a given way, either to promote or to interrupt and destroy these schemes. It was well known that every new railroad had to compete with old railroads; capital had been invested against these schemes as well as for them; and the moment the noble Earl was so inadvertent as to give notice to parties that if they took a certain step by a given day, they would have the means of acting upon the interests of these new companies—that moment it was quite obvious to every one that parties having a direct interest in preventing the construction of new lines, would use this power for the purpose of acting injuriously to others. This had actually been the case; his noble Friend admitted it, and said he despaired of a remedy. The right of voting in more important companies than these—he believed, in the Bank of England and in the East India Company—was guarded by a provision that parties should not acquire that right unless they had been for a given time in possession of stock. That was the common sense of the measure; and such a provision ought to have been introduced into this Bill. The object of this Bill was to extricate a certain number of persons from the difficulties in which they were placed, and thereby to extricate the public from the effects of inopportune and ill-advised speculative enterprise. But it was never contemplated to give notice to a number of gentlemen, in order that they might get themselves apparently into a scrape, and then make use of the powers of this Bill to bring themselves round again. He had suggested a provision—he knew not whether it would have been effectual, but it was certainly right in principle—that, as in the ordinary course of voting, every person claiming a vote should make a declaration that he had been possessed of an interest in the company on the 31st of March, and had not acquired it for the purpose. This would have secured the *bonâ fides* of the transaction; it would have prevented this railway king or that railway emperor from employing his great power to check and arrest the speculation of rival companies; and the measure would then have done that which Government intended and wished it to do—it would have given to the parties who were engaged in these speculations at the time a *locus pœnitentiæ*, in order that they might determine whether they would go on or not. Had such a declaration been provided, all the subsequent speculation would have been checked. His noble Friend (Lord Dalhousie) seemed to say that the speculation was not of his creating; and it would be a misrepresentation to say that the speculation anterior to his proposal had any connexion whatever with it. But it could not be denied that an increased and more mischievous speculation had since been going on, by reason of the proposition now before them; and there was no doubt it would be used for mischievous and bad purposes. But the 13th Clause provided that the parties entitled to vote should be those who were in possession of, and produced, certificates declaring them entitled to shares, notwithstanding they were not the parties to whom the shares had been originally granted. Now, see what would happen: ten men might go into a room, produce their certificates, and vote upon them; and there was nothing in the Bill to prevent the assignment of those shares in the room itself; and ten other men might become, under the terms of the Act, legally entitled to vote again in respect of those shares; this might be repeated ten thousand times; and by this false multiplication of votes, the interest and existence of the company might be compromised. As to the maps and plans, he considered they were parts of the assets of the company, and ought not to remain in the possession of the minority. But this might be easily remedied. Let a value be put upon the plans, and give to the parties who wished the company to continue the right of pre-emption; the value of the plans might be carried to the credit of the company amongst its assets, and their use would thus be secured to the parties desirous of continuing. He did not for a moment contemplate the partnership being continued; let the minority act like any other class of persons, and re-register, as his noble Friend suggested. Thus no injustice would be be done to any party.

The EARL of DALHOUSIE said, the fairest plan would be that proposed by the Bill, to put up the plans, &c., to competition.

LORD MONTEAGLE said, if this were done, the parties who sought to continue the company might be compelled to buy

them at a ruinous price; but if the value of the plans and sections were fixed, either by the department of which the noble Earl (Earl Dalhousie) was at the head, or by any other competent party, no such objection would arise; and the parties were certainly entitled to a pre-emption. He did not wish to move any Amendment to the Bill, which he was anxious to see effectual, if it could be made so; but he hoped his noble Friend would see the propriety of preventing the indefinite transfer of shares, and of introducing a provision, requiring a declaration from the parties voting, that they were possessed of their interest before the 31st of March. He made these objections, not with the view of throwing difficulties in the way of the Bill—for, on the contrary, he was friendly to it, and wished to see it pass—but to render it such as would justify the intentions of the Government in proposing it, and the act of the Legislature in passing it.

Lord BROUGHAM said, he entirely agreed with his noble Friend who had just sat down, in the observations he had made in favour of the measure; and it was because he (Lord Brougham) was friendly to the measure, which his noble Friend professed to be, and no doubt was, that he rather regretted that his noble Friend's speech had been delivered against the measure. The obvious course, where any one was friendly to a measure, was to support it, not to oppose it, at least on this side the Channel. In Limerick it might be otherwise; but on this side St. George's Channel it was customary to show friendship to a Bill by supporting it with a speech or a vote. To speak against a measure, and to vote for it, was to look one way and row another; but his noble Friend seemed to reconcile both inconsistencies by both speaking against the measure of which he said he approved, and by voting against it, as far as some alterations went which he was about to propose. He regretted, quite as much as his noble Friend could do, that a larger measure had not been originally passed, and that a greater change had not been effected, prospectively and heretofore, in the whole system of conducting railway legislation, and private Bills generally. He rejoiced most heartily that this opinion, which had long been entertained by himself and many of their Lordships, was gaining ground every day, both here and elsewhere —out of doors and in the other House of Parliament. The present measure had been spoken of as though it was a general change in the whole system; but it did not profess to be this—it merely professed to apply a remedy to an existing evil. In applying a particular remedy to a specific mischief, they could not totally alter the system upon wide and general views of a prospective nature; but other means were perfectly competent to them; and while approving of this Bill as a remedy for a specific ill, they might go on to effect a more sweeping change in the Private Bill legislation, which he sincerely hoped would, before long, be introduced, and would prevent such mischiefs as they now witnessed from recurring. They were greatly deceived if they supposed that by putting down the gambling mania for the present, they extirpated it; for it had its root in the bad passions of human nature, and would continue to visit, haunt, distract, and half ruin this country, as it had done in 1825 and 1826; as it had done in a lesser way in 1807, in the Buenos Ayres gambling mania; as it had done in "the Orders in Council" mania, which led to the smuggling transactions of 1809, 1810, 1811, and 1812; and as it had done, worst of all, in 1825, producing a panic, almost a convulsion, in the money market, which was very nearly being repeated within a few months or a few weeks past; but which, owing to the good and firm conduct of those at the head of affairs, and owing to the admirable conduct of the Bank of England, had happily passed over without seriously injuring us, and only left us to hope and pray that such a wise improvement of the system might take place as should render the recurrence of any such frightful crisis in future all but impossible. He felt considerable doubt with respect to the proposal of his noble Friend behind him. He thought that in justice some such power might be given, if it did not exist already. It would be a cruel thing on those who were responsible for all the liabilities of the concern up to the time of their going out, to transfer all the property they had to the minority, without giving them the fair value for it. It ought to be sold; and there should be no pre-emption to the minority; otherwise, those who were going out did not obtain the fair value for their property. Let those who remained in compete for the property with others; and having bought it, they could be enabled for 5*l.* to register themselves. He saw no necessity whatever for altering the provisions of the Bill. The subject was a most important one; and a single false step

might frustrate the whole measure, and produce other mischiefs which they could not foresee. The noble Lord who spoke last had pointed out a difficulty about the voting, which might require attention; but he must have forgotten what had been stated by the noble Earl (Earl Dalhousie), that this was a mere slip in the draft of the Bill. [Lord MONTEAGLE said, he was aware of this.] He should not have supposed, from his noble Friend's speech, that he knew there was a slip, and knew it was going to be rectified; because he had made an attack upon it, as if it were not going to be rectified. He (Lord Brougham) wished to be understood as not committed against the proposition of his noble Friend behind him, until he had had an opportunity of considering more fully the explanations of the noble Earl by whom the measure was proposed. As at present advised, he thought there was no occasion for the provision suggested, as the case appeared to him to be provided for by the Bill as it now stood. He heartily hoped and trusted that the country would have the benefit of a much larger and more extensive improvement in the system of legislation with respect to these matters; and whatever Government should carry such an improvement into effect, would deserve the gratitude not only of this age, but of posterity; for it would be beyond all other reforms and all other improvements which had been effected. He alluded to the conduct and management of the public business of the country. All the courts of law in England, Scotland, and Ireland, had not in ten years disposed of one hundredth part of the interests in land, money, stock, or in the comforts of men's lives, which were not to be valued in money or in stock that Parliament every Session disposed of, not merely in Railway Bills, but in other portions of the Private Bill legislation of both Houses. Parliament at present in this respect possessed, as had been described by a learned authority, a transcendental power—a power which no court of law possessed—that of taking men's property from them in spite of their objections to part with it, at a price not fixed by the seller but by the purchaser, or some person more or less friendly to him; and all this was carried on in the very worst possible way, by tribunals the least competent to do justice, and by a most expensive, dilatory, and vexatious process. The system was a standing shame and disgrace—he would not say to the Constitution of the country—but to those parts of the Constitution to which grave matters of legislation were entrusted. He (Lord Brougham) should depart from political life with comfort and satisfaction when he reflected that he had been the propounder and advocate of great and salutary measures of reform in this respect.

LORD ASHBURTON thought it would have been more regular if the discussion upon the propositions intended to be made in respect of the blots and defects of this Bill—some of which, it appeared, were accidental—had been postponed until the Bill had got into Committee. However, he must say, that he should be extremely sorry to suppose that this Bill was all that was intended to be done by the Government on the subject of railway legislation—that nothing further was contemplated to relieve the country from the state of confusion into which railway speculation had thrown it. The Bill before the House had only a very limited object in view; that of enabling those projects which were abandoned by a great portion of the persons concerned in them, to be wound up by those who so found themselves in a difficulty. The Bill also would relieve this House from the consideration of many Railway Bills with which it would otherwise have to deal. In this he rejoiced, because he should be, indeed, sorry to think that the House could possibly pass the great mass of Bills—upwards, as had been stated, of 400—which were now pending. This could not be done without serious injury, and without entailing upon the country the greatest confusion and distress. As to the spirit of gambling which had prevailed, and which he believed still prevailed, he thought it would be impossible to counteract it by any Parliamentary enactment. The only plan to effect that object which he could suggest would be, not to permit any issue of scrip in any railway company until the Bill had actually passed. He meant that the property in these companies should change hands by transfer, as was the case at the Bank of England and the India House, until the Bill had passed into a law, when, but not till then, scrip might be issued. With respect to the dissolution of the companies, a question arose as to whom the property in plans, &c., should belong; and would it not be well to provide that those who chose to remain in the company should have the option of purchasing, and buying up the capital of those who wished

to retire? He would only repeat a view which he had strongly pressed upon the Select Committee which had been appointed to consider the subject of the pending Railway Bills—that a great danger and evil would be incurred, if the pending schemes were allowed to go out of the House of Lords to anything like the extent to which they had been told the number amounted. He for one did not reproach the Government for the state of things which existed; for he thought the fault was with Parliament itself, and did not attach to his noble Friend (the Earl of Dalhousie) who had the superintendence of these affairs, and who by this Bill contemplated the relief of the House from many of the embarrassments in which it would otherwise have been placed.

EARL FITZWILLIAM said, that although this Bill would diminish the number of railway schemes in the present Session of Parliament, it seemed to be impossible to say what the effect of it would be, or whether the greater number of the schemes that would be got rid of by it were schemes that ought to be got rid of. It was impossible to say whether it might not put an end to many good schemes, while it would leave many bad schemes to proceed. The desire of a company to wind up its concerns was no unerring criterion by which to judge of the goodness or badness of the scheme—he meant for the public. He doubted, indeed, whether it was a safe criterion by which to judge of the goodness or badness of the scheme even for the shareholders or speculators themselves; but of this he was quite sure, that it was no criterion by which to form an opinion of the value, or non-value, of the scheme for the public at large. Now, with respect to the objection that had been made with reference to the gambling that might take place, the suggestion made by the noble Lord who had just sat down was the best that could by possibility be carried into effect. He referred to the proposal that there should be no change of the property in those railways from the time of the original subscription until the Act was passed. That would be the best, if not the only mode, of putting an end to gambling; but he doubted much whether it could now be made practicable. He wished very much to draw the attention of his noble Friend at the head of the Board of Trade to the question of those plans. What was to become of them? They were valuable property. They were valuable documents and public property. He confessed he thought there should be sufficient grounds in that Bill for vesting them entirely in the Government. It might be said that they were part of the assets of the company, and that the whole of the assets of the company ought to be brought to bear in winding up its affairs. That was true; but at the same time let them mark the position in which those companies were now placed, and the advantages they would derive from this Bill. Was it not fair that they should receive from them *quid pro quo;* and when Parliament gave those companies the powers conferred by this Bill, they should say to them on the part of the public, "We should be possessed of all the valuable information you have." He (Earl Fitzwilliam would wish to see the plans deposited in a public office. He thought, on the whole, they ought to be in the possession of the Government; and he could not help looking forward to seeing the whole of those railway plans in the hands of the Government. It had been said by some person that the parties should have the power to get them sold by auction, and that every person should have the power to bid for them. But in case that proposition was carried into effect, who, he (Earl Fitzwilliam) asked, would be the persons to bid for them? Some of the great railway companies, who would by that means get into the possession of information which might be exceedingly valuable to them in carrying out their schemes, not for the benefit of the public, but for the purpose of advancing their own interests. It would be like an adverse party getting into his possession the case of the person to whom he was opposed; and he (Earl Fitzwilliam) apprehended—and he thought all their Lordships would agree with him, that would give undue advantage to certain parties who might be desirous of obtaining that information. Let them consider the great mass of information which might be thus obtained—information that would be most important for competing lines, but which would not be so important even for competing individual lines as for those great and powerful companies; for, by obtaining possession of it, they would thereby be enabled to carry to a considerable extent that monopoly against which it was one of the duties of Parliament to protect the country. Every day they received evidence of the means by which those parties were endeavouring to maintain and extend those monopolies; and he (Earl Fitzwilliam) was sure they ought not,

by putting up those plans to public auction, give those parties the opportunity of acquiring, at a very low rate, a mass of property that would give them information which they would not otherwise be able to obtain but at great labour and expense. He thought, undoubtedly, whatever they did on other points, they ought not to leave the question of those documents loose, and that they should not allow those plans to be bought up by parties who had sinister objects in view.

LORD REDESDALE was of opinion that another very good reason existed for not putting them up for auction, and that was, that no person would give anything for them; for it should be recollected that copies of those plans were lodged with the clerk of the peace, the parochial clerk, and the Board of Trade. And as to the surveyor's own book, it was only intelligible to the man who went over the ground and made the survey; and his minute book could not be made available by any other engineer. The engineer who made the survey could alone interpret what it meant, and understand the points which gave the exact measurements. But, with regard to the plans, they were all lithographed, and distributed amongst the parties who were interested in the project. Copies of them might be thus obtained, or they might otherwise be traced by any person who chose to go to the different parishes and inspect the copies lodged with the parish clerks; or they might refer to the copies lodged with the clerks of the peace, or to the general survey lodged with the Board of Trade. He would now refer to another remark that had been made with reference to this Bill. It was said that there would be jobbing practised in getting rid of those companies. He thought, however, that those companies that would be wound up should be honestly wound up by the parties belonging to them. But even if a little evil were experienced, they should be content to endure it, and take the great good they got by this Bill. It was well the parties should know the exact state they were in, and ascertain not only the Bills that would be brought under the operation of this Bill, but also those which were likely to succeed. He should, in the course of the ensuing week—on Thursday next—submit a Resolution to their Lordships to appoint a time beyond which that House would not appoint a Committee on opposed Railway Bills.

The MARQUESS of CLANRICARDE had come to the conclusion that nothing whatever had been said to show that the objections stated to the present shape of the Bill should not be obviated, and that the Bill should not be adapted to provide for the cases which had been stated with so much clearness and ability by his noble Friend who spoke from that side of the House. Notwithstanding the speech made by the noble Earl (the Earl of Dalhousie), he hoped he would further consider the measure, with a view to obviate the objections that had been taken to it. He (the Marquess of Clanricarde) apprehended that the public would be much injured, if the Bill passed, by the gambling operations of the Stock Exchange, which would throw out Bills that ought to pass, in as great numbers as Bills that ought not to pass. He (the Marquess of Clanricarde) did not wish to press an adjournment of the question; but he hoped the noble Earl at the head of the Board of Trade would consider those matters, if not in Committee, at all events before the bringing up of the Report. He trusted that means would be adopted to prevent rival lines from coming in and over-ruling the *bonâ fide* shareholders of a company that had invested their money in an undertaking, and also prevent them from depriving the public of the benefit of a well-considered line of railway.

House in Committee. Several amendments made.

Bill to be reported.

House adjourned.

HOUSE OF COMMONS,

Friday, May 1, 1846.

MINUTES.] PUBLIC BILLS.—1°. Battersea Park. 3°. and passed. Friendly Societies.

PETITIONS PRESENTED. By Viscount Clive, from Members of the Bath Church of England Lay Association, for Establishment of Manchester Bishopric.—By several hon. Members, from a great number of places, in favour of Roman Catholic Relief Bill.—By several hon. Members, from various places, against the Union of St. Asaph and Bangor Dioceses, but in favour of the Appointment of a Bishop to the See of Manchester.—By Mr. S. Crawford, from Retail Beersellers of the Town of Rochdale and its Neighbourhood, for Alteration of Law respecting Excise-able Liquors.—By Mr. E. B. Roche, from Fishermen and other Inhabitants of the Port and Town of Dungarvan, against the use of Trawl and Trammel Nets in the Dungarvan Bay Fishery.—By Lord James Stuart, from Landowners, Farmers, and Ratepayers, of the Parishes of Porthkerry and Barry, for Alteration of the Highways Bill.—By Mr. Bowes from the Ratepayers of Coopon Bewly, for the Repeal or Alteration of the Lunatics Act, and Lunatic Asylums and Pauper Lunatics Act.—By several hon. Members, from a number of Persons connected with the Administration of the Poor Law, for a Superannuation Fund for Poor Law Officers.—By Sir John Tyrell, from Churchwardens and Overseers of the Parish of Halsted, against the Poor Removal Bill—By

Mr. Thomas Duncombe, from Inhabitants of Paisley and Failsworth, against the Protection of Life (Ireland) Bill.

MR. SMITH O'BRIEN.

Mr. E. B. ROCHE said, it appeared that his hon. Friend the Member for Limerick, who was now kept in durance vile by the House, complained that he (Mr. Roche) had misunderstood him in what he had stated last night. Therefore, in justice to that hon. Member and to himself also, he hoped the House would permit him to read, without comment, a letter which he had received from his hon. Friend. It was as follows :—

"House of Commons Prison, May 1, 1846.

"My dear Roche—I shall feel much obliged if you will explain to the House this evening that you were under a misconception when you stated yesterday that I complained that no opportunity had been afforded to me of speaking in my own defence. On the contrary, I cheerfully acknowledged that such an opportunity was offered, and that I declined to avail myself of it. I was very anxious to have spoken yesterday, because I do not think that my case was fairly stated to the House by the Chairman of the Committee of Selection. I referred to my letters to the Committee, as stating the grounds upon which I had refused to serve upon Committees on Scotch and English Railway Bills. If those letters had been read *in extenso*, I should have been contented to abide the opinion of the House upon them; but the Chairman of the Committee of Selection read only such portions of them as tended to produce an impression on the House unfavourable to my conduct. I wish it also to be known, that until the closing sentence of Mr. Estcourt's speech reached me, I did not know what was the nature of the Motion which he intended to submit, so that I was unprepared to form an opinion as to the course which it would be most advisable for me to adopt. I did not know whether I was to be imprisoned, or reprimanded, or whether a Committee might not be appointed to take the case into consideration before any final Motion should be proposed to the House. As mine is a new case, arising out of Resolutions adopted without notice, without discussion, not founded on long-established practice, not supported by any authority derived from statute or from prescription, it seemed to me that the appointment of a Committee to deliberate upon the subject was not only the wisest and most natural mode of dealing with the case, but also that which would have been most conformable to former precedents. I need not say that my decision with respect to the propriety of addressing the House on my own behalf, or of remaining silent, might have been affected by a knowledge of the Motion which was to be proposed to the House. Undoubtedly, if I had foreseen that my views would have been so much misrepresented in debate as they have been, I should not have declined to state them fully to the House. In all proceedings in Parliament, it is customary to give due notice to the parties affected by such proceedings; such notice, therefore, may be considered as a right rather than a courtesy. With reference to the preliminary Motion made on Monday night, I was left in such entire ignorance of the terms of that Motion, that I absolutely mistook the question when put from the Chair, and imagined that it was an order to attend the House on Tuesday, whereas I afterwards learned that it was an order to attend the Committee. On last Friday, I stated to Mr. Estcourt in private that I should feel much obliged to him if he would intimate to me the terms of the Motion which he intended to make in reference to my case, as soon as his own determination was formed. I subsequently received no communication from him. I do not wish you to reveal to the House what an Irishman thinks of such a mode of proceeding; suffering from the injustice of the British House of Commons, I expect nothing from its generosity. I shall make no further appeal to the House. Yesterday, I was extremely anxious to have been allowed to speak on my own behalf before my committal to prison as a culprit. I shall not again condescend to solicit even this trifling favour. In concluding, I beg most anxiously and earnestly to request you to inform the House that I am no party to any Motion for my discharge. —I remain, my dear Roche, very sincerely yours,

"William S. O'Brien.

"E. B. Roche, Esq., M.P."

SMOKE NUISANCE.

Sir J. GRAHAM, in answer to a question, said, that at the close of last Session he had expressed great apprehension that it would not be expedient to make the consumption of smoke compulsory. The Report of the Commission just issued, so far from removing his doubts, had confirmed them. He should not, therefore, be prepared to bring in a Bill rendering it imperative to consume smoke in all departments of manufacture.

PROTECTION OF LIFE (IRELAND) BILL—ADJOURNED DEBATE (SEVENTH NIGHT).

The Adjourned Debate on the Protection of Life (Ireland) Bill was resumed.

Mr. P. SOMERS said, that something more than legislation was required for Ireland. They might remove some of the evils that pressed upon that country, but the panacea for Ireland was to be found in the example and good conduct of the landlords. He hoped the Government would withdraw the measure. He expressed his thanks to Government for the desire they had evinced to relieve the distress of the Irish people by affording employment to those who required it. He called the attention of the right hon. Gentleman opposite to the claims of the town of Sligo to at least a fair proportion of the promised benefaction, for he regretted to say that the greatest distress prevailed in that place. The hon. and gallant Members for Armagh and Donegal, not content with attributing the evils which had befallen

Ireland to the existence of the Repeal Association, had thought fit to stigmatize the great mass of their fellow countrymen as factious and seditious. He indignantly repudiated the imputation; and he begged to say, that the loyalty and devotion to their Sovereign of the members of that Association equalled, if it did not exceed, that of the hon. Gentlemen to whom he referred.

MR. M. O'CONNELL said, the right hon. Baronet the First Lord of the Treasury had presented to the House a very horrid picture of the state of Ireland, which he had no doubt had produced an impression upon the minds of any persons of the absolute necessity of such a measure as that now under consideration. The right hon. Baronet drew a strong contrast between the state of crime in Ireland in 1843 and during the last year, and asked whether—if crime had so materially increased in the space of two years—some measure should not be adopted for its repression. Now, if during those two years the Government had done nothing to check crime in Ireland, the necessity of such a measure as the present might have been admitted; but if they looked to the Statute-book and in the records of Parliament, they would see that since 1843 the Government in this country and in Ireland had not been idle in adopting measures with the professed object of meeting this evil. In 1843, they dismissed from the commission of the peace all magistrates who countenanced the Repeal movement. About twenty-two of those gentlemen were dismissed by one letter from the Lord Chancellor; thirty or forty others immediately threw up their commissions; and several who had not before been Repealers joined the Repeal Association. The Government next introduced in this House that most ridiculous of all measures—the Arms Bill, which was professedly designed to put down outrage and agrarian insurrection. By that measure, however, the same facilities were given to the ill-disposed as to the well-affected for obtaining arms and gunpowder. Previously to the passing of that Act, no person could possess a quantity of gunpowder exceeding 1 lb. without license from a justice of the peace; but now, any person holding a license to keep arms, might, upon that certificate, obtain any quantity of gunpowder he chose. The next step taken by the Government was to issue the Clontarf proclamation, and they then proceeded to arrest the leaders of the Repeal agitation. They commenced what was called a monster prosecution; and the leaders of the movement were detained in custody till they were released by the decision of the other House of Parliament. Now, what was the effect of those measures? By the dismissals from the commission of the peace, the Government added numbers and strength to the ranks of Repeal; and they removed from the magistracy those gentlemen in whom the people had the greatest confidence. By the Arms Act they placed in the hands of the peasantry of Ireland, under the first registry, no less than 90,000 stand of arms. Could they be surprised, then, after these measures had failed to secure their intended results, that the people of Ireland should entertain strong contempt for the power of a Government which had been unsuccessful in its legislation, and imbecile in the administration of the law? They believed that those who had failed hitherto would fail in future, and were not exactly the men to be entrusted with extraordinary powers. For what purpose did they ask for those powers? To remedy mischiefs they had themselves created. They had miserably bungled all their former measures, and they now wanted an opportunity of still further displaying their incompetence. Their failures were not confined to their hostility, but extended even to their attempts at conciliation. They carried the Catholic Bequests Bill to facilitate the charities of Catholics in Ireland; but this was done at the very moment when the Courts of Equity had declared the Irish Catholics free to exercise their charity by bequests and donations as they pleased, and when, therefore, the power professed to be given them by the Act had already been confirmed to them by the Judges. The Government next established what had been called godless Colleges, and gave a grant to the Catholic College of Maynooth; and if that grant had been given at an earlier period, it might have prevented much of the ill feeling which had been excited in Ireland. But it had been suggested, and it was believed, that that grant was not prompted by any regard for Ireland, but by the threatening indications of a storm in the Western horizon. All this afforded an ample justification to Irish Members in resisting this Bill in the first stage with the same firmness that they would oppose it in its last stage. They would forego no opportunity and relax no exertion to defeat it. True it

was that the Members for Ireland had allowed the Peace Preservation Bill of 1835 to pass into a law; but the rulers of the State were very different men then and now. It had also been much modified in its clauses; and though the Government of the day had that engine in their hands for four or five years, not a single prosecution was instituted under it in any county in Ireland. It was not that measure which caused the pacification of Ireland, but that pacification was attributable to the fulfilment of the promises held out by the Government. And yet the right hon. Baronet told them that the peace of Ireland between 1835 and 1841 was maintained by a law which had never been put in force! The Whigs, while in power, did their duty to both countries, and produced peace and tranquillity in Ireland; but they were perpetually denounced in the House by those whose return to power produced increasing outrages from the moment it took place. But this Bill never could quiet that state of things. Even the Government officials denied its use; and only the other day a stipendiary magistrate remarked to him (Mr. M. O'Connell), "I cannot think what they mean by locking people up in the night; scarcely a single outrage has been committed by night since the beginning of this insurrection—of this agrarian disturbance." If the Government passed a law to prohibit men from ever stirring from home at all, perhaps they might obtain what they sought; unless, indeed, their object was, that the gentry might now travel by night, the people being locked up. He was not there to deny that outrage existed, and still less that it had increased of late years; but he knew its causes too well to imagine that this measure could ever stop it. He had seen Clare in a worse state than any county was now in; he remembered it when every gentleman's house was a garrison, and you were regularly challenged if you went to the door; they had loopholes for musketry, and the cattle were driven in from the fields. The cause was the want of potato ground, the same as in many parts now; and that continued for three or four years, till he (Mr. M. O'Connell), with the hon. Member for Cork and Mr. Steele, under the sanction of the authorities, the Marquess of Anglesey being Lord Lieutenant, went among the people to arrange that lenity and kindness should be shown them instead of severity; and in that one night 500 stand of arms were given up. Clare then became as tranquil as Middlesex. Only forty-five individuals had kept that county in a state of insurrection for these years. One of them said frankly, "The fault was all with the gentry; if they had come together at first, and shown a little courage, and endeavoured to put down the fomenters of these disturbances, there would have been an end to all this in three months; it was through their cowardice that we have got on." In the counties lately disturbed, if the gentry had shown front, instead of calling for Coercion Bills, these outrages would have been put down, and peace restored long since. But, believing this measure improper and inefficient, he should continue his opposition to it by every means in his power, pertinacious though it might be called.

Mr. COLQUHOUN hoped there would now be an end to the doubts of the hon. Member for Lambeth (Mr. Hawes) with regard to the statements made as to crime, since the hon. Member for Tralee had admitted that it had increased, and had described the state of Ireland in one remarkable and emphatic word—"insurrection," such as there was in Clare some years ago. [Mr. M. O'Connell: I said agrarian insurrection.] Agrarian insurrection, then, prevailed in Ireland. [Mr. M. O'Connell: In some districts.] Of course, it was not the whole of Ireland that was spoken of, neither did the Bill apply to the whole of Ireland. Did not that clearly justify the grant of the augmented powers required by the Government? It was easy to complain of non-resident gentry; but how could they be expected to reside where their lives were not safe? Take the case of Mr. Clarke, who was murdered on his own property in broad daylight, in the midst of the people he employed. Take Lord Orkney's case. Lord Orkney had estates in Tipperary and in Queen's County, and he went to reside upon his estate in the former county. He had not been there many days before his table was covered with threatening letters; not a very good way of inducing an English Peer to remain a resident in Ireland, for, in spite of the opinion of the hon. Member for Lambeth, he must say that threatening notices were no very agreeable missives. Lord Orkney informed one of his tenants who had not paid his rent that he must remove from a large farm, which he had not sufficient capital to cultivate with advantage, to a smaller one; that he would forgive him all arrears of rent; and that he would give him a sum of money to transfer him from the one farm to the other. The man in-

formed him that he would certainly take his revenge for such a proceeding. Lord Orkney having had such a reception in Tipperary, proceeded to Queen's County. Previous to his arrival there his steward had been fired at in the broad daylight by parties whom he could perfectly identify, but he would not, because it would not be safe to do so. The parties finding that they were safe from the accusation of the steward, went in the broad daylight to his house, seized his unfortunate servant, who had, unhappily for himself, been the witness of the attack upon his master, placed him on his knees in the presence of twenty persons (from not one of whom evidence could afterwards be extracted, such was the power of that reign of terror), told him to say his prayers, for that his days were numbered, and shot him in the broad noon-day, in the front of Lord Orkney's house; and when that nobleman returned from his morning's excursion amongst his tenantry, whom he had been endeavouring to serve, he found the ground in front of his house red with the blood of his servant. Yet that was a state of things which the Irish Members stated that the people of England ought to tolerate. It was a state of things which they wished to see unredressed. ["No, no!"] At any rate, knowing that the ordinary laws were inefficient to repress the evil, they refused their support to any measure introduced in aid of the ordinary laws of the country. In the county of Meath Mr. Fowler, a resident landlord, discharging all the duties of a landlord, had been denounced, and his life had been threatened; but an address which had upon that occasion been presented to him by his tenantry, showed that they had no sympathy with the perpetrators of the outrage. In Westmeath they had had the case of Sir Francis Hopkins. But he would not trouble the House further with details of individual cases. The returns from the inspectors of police in Westmeath showed that during the last six months there had been no less than 197 cases of outrage. It was said, that they arose from the landlords' severity to their tenants. He had analysed those cases, however, and he had found that thirteen were attacks upon gentlemen; thirty-five were attacks relating to what might be termed "the rights of property;" thirty-eight were attacks which were connected with land, it was true, but they were directed altogether against farmers and cottiers, and had nothing at all to do with the rights of property; and thirty-eight others were attacks against labourers, and had no connexion even with land. Among the causes returned, so far as ascertained, he found such as these: —"because he told stories to his employer" —"because he drove an opposition car" —"because he had been prosecuting for theft"—and another "for fraud"—"because he had set up a baker's shop." The secret of this state of things was stated to him by a gentleman who had long served the late Mr. Drummond confidentially, and was more than any one acquainted with his views; when he asked him to explain this chronic disorder prevailing from time to time, these eruptions of discontent; that gentleman, giving also Mr. Drummond's judgment, said, that it really was the establishment on a small scale of a provincial reign of terror in the hands of a few individuals, not necessitous, not in distress, very often opulent farmers, but who wished to govern and to tyrannize over the neighbourhood, and to execute their own will, and carry out their own law, the law of revenge, by crime, in defiance of the law of the land. He believed that, in order to put down this state of society, and subvert the rule of these village Marats and Dantons, there must be a suspension of the Habeas Corpus, or some equally strong measure, to enable them to take these persons out of the bosom of that society which they disturbed by their crimes, and to impose upon them such imprisonment as would deter others from the commission of similar crimes. The present state of matters was the more aggravated, because these parties were not goaded by want, but were actuated only by the desire of punishing those who chose to contravene their laws and their will. It was clear, then, that if the law was not sufficient to put down these crimes, the law must be strengthened, so that the terrors of that law might be made to prevail over the terrors which midnight conspirators spread around them. They ought, he contended, to grapple with this state of things; and the only practical question was, would they sufficiently grapple with it by means of the provisions of this Bill? Would they effectually do so by preventing parties from leaving their houses after night? He did not mean to say that preventing persons leaving their homes at night, and holding meetings to concoct crime, would be altogether ineffective for attaining the object desired; but he feared that the result would be, that those persons who

met during the night henceforth would meet during the day. He found that a great number of the most atrocious crimes —that of the murder of Mr. Clarke and others—were committed in broad daylight, and yet no persons were seized. What was to prevent these malefactors from holding their meetings during the day, and then concocting their crimes, and carrying them into effect? In such a case, the only effect produced would be a transference from one hour to another of the plan and the commission of the crime; and he was afraid that still crime would continue to overmaster the law. But, in addition to preventing night meetings, the Bill offered increased rewards for the production of evidence. This was an expedient which he was afraid would turn out to be utterly useless. Rewards would not induce parties to become witnesses in cases of prosecution. Look at their *Hue and Cry*—at the placards offering rewards in every direction, and ask themselves what effect these had already produced in Ireland? Did they think that the mere increase of those rewards would induce persons to offer themselves as witnesses? The idea was altogether absurd. Would a man who knew his life was in danger, if he gave evidence in a case of outrage, be led to do so simply because 50*l.* was offered him to do so? Life was more valuable than gold. Offer what they would, till they gave safety to the witness, all else would be ineffectual. He must say, therefore, that if he held out the idea that he looked forward to this Bill as likely to be satisfactory and efficient towards pacifying Ireland, he should not be giving an opinion consistent with his honest conviction. He held that it was not a Bill adequate to the object proposed; but perhaps he might be asked what remedy he had to offer? Now, it was not the duty of an independent Member of Parliament to offer remedies for grave national evils. That was the duty of the Executive Government. He thought Government had clearly established a case for interference, and had proved that it was absolutely necessary to give to law an ascendancy over the ascendancy of terror, which was but too surely produced by these fearful and unseen tribunals. The hon. Member for Rochdale had last January accurately described the state of Ireland, when he said that there was complete social disorganization—that the resources of the country were lying waste—that industry was paralysed; that both life and property were insecure—murders of the most barbarous character being perpetrated at noon-day. The hon. Member had some months ago given this independent testimony as to the state of Ireland, and it completely bore out the case of Her Majesty's Government. There was then a proved necessity for the interference of the Legislature; and the only question was, had a right remedy been offered? He would certainly not interpose his vote to prevent the remedy prescribed by Government from being tried—he should not vote against the Bill; he thought the remedy proposed would do something; but at the same time he must say that he did not conceive it to be adequate to the evil, and he therefore threw upon the Government the responsibility of the course they were now taking. He doubted whether the peace and security, which they expected, would be secured for Ireland by this Bill. He well remembered the wearisome discussions they had on the Arms Bill, and how, while he and his Friends supported the Government, they could not help feeling that that Bill was not an adequate measure; and so it turned out. If, however, the present Bill had been a measure likely to remove the evils of Ireland, likely to abolish those calamities which the right hon. Baronet and the House so much deplored, then indeed it would be a measure entitled to their most energetic support—then, indeed, it would be worthy of the most protracted conflict. Most happy should he be if he could be convinced that it was at all adequate to the extent of the evil; but it was, and he thought it would be found to be, a crippled, halting, imperfect measure. If, indeed, the Ministry thought this Bill would pacify Ireland, then was their course altogether inexplicable. They brought it into the House of Lords in the early part of the Session, and as a permanent measure, under the impression, no doubt, that it would do permanent good to Ireland; but, pressed by the half-whispered suggestions of some noble Lord across the Table, they instantly curtailed their measure, and made it to last for not more than three years. Now, was there a man in that House who would tell him, that if Ireland was now in the disturbed state it was described to be in, and known to be in, three years would cure it of those evils? If they said it was impossible to believe this, then would Her Majesty's Ministers throw on their successors the misfortune of another Parliamentary battle to carry that which they believed to be necessary for the peace of

Ireland. Or if, after the expiration of three years, they were still in power, were they to slip out of this measure for Ireland, and let it drop, on the vain plea that the state of Ireland was then sufficiently peaceful? If they now grappled with the evil, however, and met it in such a way as to relieve the people of Ireland from the hands of those men who were known to be the disturbers of her peace, then would the measure of Government be worthy of his support. But if they were throwing into that House such a measure as could only produce dissension in Ireland, and a contest in that House for no purpose, he could only regard it as one of the many proofs of the timidity and weakness of the Government. If the measures relating to Ireland were to be coercive, then they ought to be strong enough to put down those who were now overmastering law and justice; but to make their blow so feeble that these desperate characters cared not for its infliction, was not giving assistance to justice: it was giving a premium to crime—it was giving advantage to the criminal, and all the disadvantage to the law. He would believe that Ireland was incapable of being governed when he saw it tried to be governed on a system of wise, calm, deliberate, yet firm policy—not, as was now the case, governed by hot fits and cold fits: now a cold ague-fit of timid concession, to try to please certain disturbing leaders in Ireland; and then a hot fit, in the proposal of an Arms Bill or a Coercion Bill. He should have hope for the good order of Ireland when he saw the English Government equal to the emergency; but he was afraid they were proving in this case, as in that of the Arms Bill, that their remedy was not adequate to the evil, and that therefore they were only about to give to the disturbing parties in Ireland all the advantage of increased power.

MR. T. O'BRIEN was resolved to give to the measure now under consideration his most determined opposition. He was present when the right hon. Baronet the Secretary of State for the Home Department introduced the Bill, and he had listened with the profoundest attention to the statement of the right hon. Baronet; but he could not bring himself to believe that a good case had been made out for the Government. He had heard with the deepest regret the catalogue of dark deeds alleged to have been committed in Ireland, and on which the Government relied, as affording a justifiable pretext for the introduction of this obnoxious and unconstitutional measure. No man in that House could possibly feel deeper horror at the frequency of crime in Ireland than did he; but he very much deplored that, instead of a penal enactment, some measure had not been introduced of a remedial nature, by which the cause of these frightful crimes might be removed, or even mitigated. Every one who knew anything of Ireland must be aware that the worst descriptions of crimes in that country were occasioned by the deadly strife between landlords and tenants, the former being anxious to retain the rights of property, forgetful of its duties, and the latter being engaged in a desperate scramble for existence. He freely admitted that it was vain to expect prosperity or contentment in Ireland as long as these outrages continued; but it was quite as absurd to suppose that these outrages would cease while the sufferings of the people remained unmitigated and their wrongs unredressed. The present Bill would not only be wholly inoperative of good, but it would be really productive of the most disastrous consequences. If it became law in twelve months from the present time, instead of five counties being disturbed, fifteen counties would be in a state of anarchy and disorder. The frequency of crimes, instead of being quelled, would be increased, and the tenure of life and property would be rendered more precarious than ever. He would take the liberty of submitting to the consideration of the House a few instances out of hundreds which he could cite, did time permit, of heartlessness and cruelty of Irish landlords; but in so doing he assured the House that nothing could be more remote from his intention than a desire to palliate murder, or to mitigate the severity of the punishment which it merited. If the House, however, would have patience with him, he would take occasion to narrate to them one or two instances of Irish landlords, which he was inclined to believe would come with a strange effect upon the English ears. He would commence with one which had recently occurred in one of the richest and most fertile counties in Ireland, the county Meath. Certain tenantry in that country had been evicted from their holdings in a district adjacent to the town of Kells. Amongst the persons thus turned houseless on the world, was one man named Brady. He owed not one farthing of rent, and could not believe that his landlord could be capable of acting so harshly as to eject him from his holding, until the bailiffs actually came in and demanded possession of the

House. In vain did Brady remonstrate —in vain did his wife implore. He was driven out of his house with his wife and large family, amongst whom were four daughters. They were all ejected forcibly by the bailiffs; their wretched little articles of furniture were flung after them; and as night was approaching, they found themselves left to the mercy of the world, which was a polite phrase for helpless beggary. For nine days and nine nights this unhappy man and his family lay in a ditch by the road side, without other covering than the sky. Finding his situation at length intolerable, he retired on the morning of the tenth day to a churchyard in the vicinity of his former dwelling; and it was a fact which did not admit of a doubt, as it could be attested by the evidence of hundreds, that he dug a hole in the narrow patch of ground, between two tombstones, in which he contrived to shelter—to pit would be a more proper phrase—himself, his wife, and his daughters. The structure which he erected might, perhaps, be called by some a hut; but it was entered by a descent, and was, in fact, nothing better than a grave. He had not long sojourned in this pestilential abode, when his lurking place was discovered by the police, who cited him to appear before a bench of magistrates at petty sessions, on a charge of creating a nuisance in a public graveyard; and it was before this tribunal that this unhappy man's condition was for the first time investigated and made public. He was examined on oath before the magistrates, and he swore, what was well known to all the neighbours, that for nine days and nine nights he was lying in a ditch by the road side, and that it was not until the tenth day that he had sought refuge in the churchyard. The award of the magistrates was, that he should remain undisturbed in his luxurious retreat, until the poor-house at Kells was ready for his reception. The farmers of the neighbourhood, however, now offered Brady employment, and he resolutely refused to go to the poor-house, declaring that he would rather remain where he was and earn an honest livelihood with the farmers, than quarter himself and his family on public charity. This extraordinary spectacle, however, of human misery and degradation not being calculated to reflect much honour on the gentry of the neighbourhood, they concerted means for having him removed as a public nuisance; and at the last quarter-sessions but one a stipendiary magistrate having succeeded, with the aid of the police, in discovering the owner of that particular plot of ground in the churchyard to which Brady had retired, it was resolved that the retreat of the wretched outcast should be invaded. The man who owned the burial place between the two tombstones, and whose name was Newman, was prevailed upon, against his inclination, to serve Brady with a notice of ejectment; and the stipendiary magistrate joyfully announced in open court, that at the ensuing quarter-sessions, the obnoxious spectacle of Brady's living grave should be removed. It pleased Providence, however, that before the appointed time Newman caught a fever. He died, and was buried side by side with the living occupants of the same ghostly tenement. Hon. Members might say that it was not fair to give those isolated cases of cruelty; but he could assure the House that this case was only one of many hundreds which he could cite if time permitted. It might perhaps be in the recollection of some present that a series of letters were some time ago written by a Catholic clergyman, named Davern, charging a certain noble Lord, who now filled a high situation in the Government, with having evicted from one district alone, in the county of Tipperary, in the year 1843, no less than 143 families. This clergyman gave the names of the heads of these families, and described the state of the misery to which the evicted persons had been reduced in such vivid colours, but with such painful truthfulness, as to cause a great sensation through the country. Indeed, so strong a feeling was excited, that the noble Lord thought himself bound to institute law proceedings, not against the reverend author of the letters, who was willing to undertake all the responsibility, and who announced himself to substantiate his charges, but against the proprietor of a provincial paper, in whose journal the letter appeared. A rule *nisi* was obtained as a matter of course. Affidavits were filed in reply, proving on oath every allegation that had been set forth in the letters. It was not for him to say whether the statements were or were not true; but this, at all events, was certain, that the noble Lord never, from that day to this, applied to have the conditional order made absolute; and the consequence was, that the prosecution had fallen to the ground without any apology on the part of the defendant, and without any denial of the allegations contained in his newspaper. He would leave the House to draw its own conclusions from these facts. How, he asked, could tranquillity or good order be

effected in a country where it was left in the power of one individual to depopulate an entire district? for in a rural place the chasing away of 700 human beings, like crows out of a corn field, amounted to an almost total depopulation.—The hon. Member having mentioned several other cases of inhuman conduct on the part of landowners in Ireland, expressed his regret that the Government had not introduced some measure to remedy these prime evils; and concluded by denouncing the Bill now under consideration as a measure which, while it was wholly inoperative of good, could not fail to be productive of serious evil, by endangering the liberty of innocent men, and affording additional facilities for the exercise of the barbarous clearance system.

MR. BELLEW, without regretting this discussion, did regret that it had interfered with the progress of the Corn Bill, because that was an Irish as well as an English measure; but he considered that the Irish Members were not so much to blame as had been said for the delay, as they had only acted on the defensive, and the Government had on one or two occasions allowed the House to be counted out. After this evening, however, and the division they were about to come to, he trusted that the feeling expressed by the hon. Member for Stockport would be cordially responded to by every Irish Member, of the necessity of struggling against the noble Lord (Lord G. Bentinck) and his 242 followers. It should be remembered that the Irish Members were occupied on an object which they trusted might lead to the same results as those which the right hon. Baronet (Sir R. Peel) expected from the Corn Bill, viz., to improve the condition of those who labour, and give comfort and enjoyment to millions. Intimately as this country, by the opening of railroads, and the application of the powers of steam, was connected with Ireland, the English people could not be blind to the fact, that whatever tended to increase the misery of Ireland must produce some corresponding effect here, and that whatever contributed to the prosperity of Ireland tended to enlarge the market for the manufactures of England. He opposed the Bill, first, because he thought it ineffectual for its objects, and, secondly, because it was accompanied by no remedial measures; in fact, by no measures of that kind, either express or implied. A noble Lord in another place had said (he believed) that the rights of property were positive, but that the duties of humanity were of imperfect obligation, or something to that effect. That, perhaps, might be so; but what he complained of the Government was, that they had not taken any means for reconciling these conflicting interests; they had done nothing to render the rights of property consistent with the claims of humanity. This they ought to have done before bringing in this Bill. With respect to the state of crime in Ireland, it was not so much the murder, as the sympathy with the murderer, that was the real symptom of the diseased state of society in Ireland. But would this Bill tend to remove that symptom? He contended that it would not. There was the case the other day of Mr. Brew, the agent of Mr. Vandeleur, who was shot at Kilrush, in the county of Clare. In the middle of the day the attempt was made upon him. The assassin walked away. Not a hand was raised to arrest him; not a person interfered to prevent his escape. He asked was this a state of things in which the Bill would effect any change? The right hon. Baronet had rested the defence of the measure on three grounds: first, the state of crime in Ireland; second, the inefficiency of the existing law; third, the efficiency of the provisions of the Bill. The first, he (Mr. Bellew) admitted; but with regard to the second, the right hon. Baronet stated, in proof of his position, as an instance, that before special commissions it was necessary to have not only the man accused, but the witnesses who might convict. But would this Bill supply the remedy for this? The hon. Member who had spoken last but one had dwelt upon the sending of threatening notices, and the difficulty of getting witnesses to come forward. But it was clear the Bill would not alter either of those evils. Then with regard to the probable success of the measure, he had not seen the least reason to suppose that anything in it would have the effect of destroying sympathy with crime, or the combinations which he admitted were formed in support of criminals. Before a Committee of the House some years ago the parish priest of Maryborough had given evidence that even then outrage was not confined to those who were ejected from their holdings, but that others joined them, thinking that by doing so they would have a better chance of keeping themselves on the land. That cause of crime would evidently not be affected by this Bill. If it was asked why, he answered, owing to the state of the population of Ireland. There was this great difference between Ireland and this

country, that there seventh-eighths of the whole inhabitants, instead of one-half only, as was the case here, were rural population. Then the holdings were much smaller among those who had land than was the case in this country. 44,000 out of 66,000 holdings in the county of Mayo were under four acres; and from the last census it appeared that 68 per cent of the occupiers of land conducted their agriculture without skill, capital, or knowledge, and were devoid of means, living in cabins, and in great distress. A Catholic priest named Lyons had given evidence before a Committee of the House of Commons that he had seen labourers getting in the harvest on wages of 4*d*. a-day, and that he knew of 300 families who had not a single blanket among them, and that he knew it was a common thing for a large family to go to bed by turns, for want of clothes. He added that the cabins near him were only holes dug in the earth covered with sods, and affording little or no protection against the rain. Let them consider the misery caused by the clearance system. No fewer than 150,000 ejectment processes had been served within the last five years in Ireland. The hon. Gentleman then read, with much rapidity, a number of documents, showing that this system had been continued in various counties in Ireland from the year 1830 to the present time; and then went on to say that, by the concurrent evidence of agents and all parties acquainted with the subject, land was at the bottom of all outrages that took place in Ireland. This was a state of things which might well humble the pride of England. Her empire extended to every quarter of the globe; her ships covered every sea, and brought home the abundance of the earth; but there was a spot near her shores groaning under evils which could not be remedied by such measures as the present. During a debate on the Slave Trade, arising on a Motion of the noble Lord (Lord Palmerston) two years ago, the right hon. Baronet (Sir R. Peel) speaking of the island of Cuba, said he hoped the people and the Government of Spain would act to that country from motives; that they would feel the great responsibility cast upon them as its governors; that the eyes of the world were upon them; but that if such higher considerations did not prevail, he warned the Government and people of Spain that the condition of Cuba was one of great peril, and that the negroes there were suffering under evils which made death light in their eyes. Would to God that the right hon. Baronet would act upon those ideas with respect to the relations of landlord and tenant in Ireland! Those relations, he was satisfied, could not long remain in their present state. One of the very effects of this Bill would be to exasperate those relations; for was it possible to disbelieve that hundreds of landlords, who were now prevented only by fear, would, after the passing of this Bill, and under its shelter, join in the system of ejectments? They heard much about interference with rights of property; but it was in evidence that tenants had been known to have established an interest in the land by means of improvements equal in value to ten years' purchase. Was not ejecting such a tenant an interference with the rights of property? The tenant-right had grown up in spite of the law; and, if something were not done to ameliorate the present state of those relations, there would grow up a law in conflict with the written law, which might lead to very objectionable results. But then there was a difficulty in interfering. He answered, life was in the other scale, and no great acts were ever effected without difficulty; and to contend with and overcome this difficulty was a task worthy of the right hon. Baronet (Sir R. Peel), and worthy of this country, which, if it had one trait of character more marked out than another, it was this, that it was always found to persevere until it had successfully carried out that which it once perceived was its duty to perform. But he conceived that the right hon. Baronet was in an especial manner bound to perform this task; for he thought that the Irish landlords had very just grounds of complaint against the right hon. Baronet for issuing the Landlord and Tenant Commission, and then leaving Ireland for so long to suppose that something was to be done in consequence of it. What with the doctrines of the hon. and learned Member for Cork about fixity of tenure, and the conduct of the Government with respect to Ireland, he thought the landlords of that country had been of late placed in an infinitely worse condition than they ever were in before. No such complaint held good against the late Government. They frankly said, when asked, that they would not issue a Commission. But then the right hon. Baronet alleged that something was promised to be done in the Queen's Speech. The same, however, was the case last year; and at that time the Marquess of Normanby stated his distrust of such a Commission, and Lord J. Russell said that although there was no doubt that great hardship had been inflicted

by the landlords of Ireland, still he saw no means of meeting an evil so widely spread, and that had prevailed so long. Then Mr. Charteris, who had seconded the Address, and who was praised by the right hon. Baronet for the ability, and especially for the discretion with which he had spoken, said that no one could deny the Government credit for having grappled with the question of land tenure in Ireland, which lay at the root of all the evils of that country, and that he hoped they would be able to devise some means of putting an end to those evils. Under these circumstances, therefore, calculated as they were to raise expectations, he thought the right hon. Baronet was the last man who ought to call upon the landlords of Ireland to do that which they were entitled to think the Government had taken into its own hands. Having two years ago issued the Land Commission, the right hon. Baronet was bound to have passed some of the numerous measures which had been recommended by the Commission. Not that he (Mr. Bellew) thought that any of those measures would have gone to the root of the evil; but the right hon. Baronet might have brought forward a measure for facilitating the sale of landed property, as recommended by the Commission, and also a measure for taking the stamps off leases. [Sir J. GRAHAM: That has been done.] He was not aware of that. Then they ought to have brought forward the measure with regard to Waste Lands. That was recommended by the Commission; but it was especially incumbent on the Government to attend to the recommendation of the Commission with respect to facilitating the sale of lands, for that might be brought to some practical result. Taunts had been thrown out against the Irish Members for having supported a measure similar to this in 1835. But it ought to remembered that in doing so they supported the Bill of a Government who had done something to serve their country; not that he meant to say the present Government had done nothing for it; for he thought their College Bill, for instance, an excellent measure, though somewhat unpopular with certain parties in Ireland at present; but what he meant to say was, that the Government whose Bill they supported in 1835 had done much more for Ireland than the present Government. That Government endeavoured to arrange that question, which was above all other questions in importance except the Landlord and Tenant question—he meant the Church question; and the party now in office prevented them. They endeavoured to pass a Registration Bill, and were similarly thwarted. They endeavoured, by their appointments to the Bench, to give the assurance, not merely that they would do justice, but to give the people every reason to expect it. A measure of coercion, therefore, passed in such circumstances, was very different from a similar measure passed at present. In conclusion, he begged to say that he would be as anxious as any Member in the House to support this Bill, if he believed it would be effective for the purposes in view, and were accompanied by other measures; but as no remedial measures were promised, and he believed no good result would come out of this measure, he should feel it to be his painful duty to give it his most decided opposition.

The ATTORNEY GENERAL was reluctant to trespass on the attention of the House at that period of the debate, and upon a subject on which all argument was exhausted; but, as it appeared to be the opinion that he ought to offer some observations, he would not shrink from his duty. He regretted the unusual course that had been taken of opposing the first reading of a Bill sent down from the House of Lords; but he had never, on that account, considered that any blame or censure was attributable to the Irish Members. They were animated by local interests, and national feelings, and entertaining very strong impressions as to the inexpediency of the measure, they naturally felt an earnest desire to express their sentiments—to record their hostility to a Bill of which they disapproved, at the earliest period. But, after the very full discussion the measure had now received, both as to its principle and its details, he trusted the future stages of its progress, supposing the House decided in favour of the first reading, would not be met with any unfair or improper obstruction; and that those threats which had been held out by the hon. Member for Limerick, of embarrassing legislation upon this subject by all the means which the usages of Parliament allowed, would not be carried into effect. In addressing himself to the question before the House, he would, as closely as he could, confine himself to the prominent and leading points of the various objections which had been urged on the other side. The noble Lord the Member for the city of London, at a very early period of the debate, found fault

with his right hon. Friend (Sir J. Graham) for having omitted in his speech, on introducing the measure, the important connexion of the remedy with the evil—of the disease with the cure; and this complaint had since been repeated by various other hon. Members, but by none more pointedly than the hon. Baronet the Member for Drogheda (Sir W. Somerville). To the noble Lord, he (the Attorney General) should have thought it would be sufficient to answer, "You in 1833 brought in a measure of coercion for Ireland. You admit that was a measure of much greater severity than this. And undoubtedly it was so; for by it the ordinary tribunals of the country were silenced, and the disturbed districts were delivered over to martial law, and all offenders were to be tried by courts martial. That Act having been renewed at its approaching expiration for another year —in 1835—you having, it is to be presumed, then had experience of the efficacy of the measure, introduced another Bill in that year, not so strong and stringent in its provisions as its predecessor, it is true; but a Bill which contained that very provision which is now made your grand point of objection—the provision for confining persons within their own houses in the proclaimed districts between sunset and sunrise. You must have considered at that time, that the remedy was adapted to the evil; therefore any such explanation as that you demand from us would be to you at all events superfluous." As an answer to the noble Lord, this would have been complete. But to the same objection urged by the hon. Baronet (Sir W. Somerville), who had on all occasions of addressing the House exhibited great mildness and forbearance, he admitted the answer would not be applicable. The hon. Baronet had said, "You confine men within their houses at night, but that will not prevent noonday murders." He wished he knew any legislation that would have such an effect. But every man who was careless of his own life, had the life of every other person in his power; and where there prevailed a sympathy for the criminal, he would, in proportion, be daring and determined in carrying out his guilty purpose; and no hour of the day would prevent the perpetration of crime. But he had reason to believe—as had been suggested by his hon. Friend the Member for Newcastle-under-Lyme—that many of these crimes were planned and proposed at the nocturnal meetings which took place; and that under objects which appeared innocent in themselves, occasion and opportunity was given for parties to combine together for the commission of outrages such as had been described. But as to the further suggestion of his hon. Friend, that this Bill would not accomplish all that was necessary for putting down crime—that the remedy was not sufficiently efficacious, because it was not sufficiently stringent and powerful, he would just inquire for a moment what was the nature of the measure which his hon. Friend proposed to substitute. For though he had said, and correctly, that he was not bound to explain his plan to the Government, he had given a slight outline of the course he would recommend them to adopt. If he understood his hon. Friend right, he would at once suppress those dangerous combinations which were the great evil to be guarded against, by seizing and imprisoning those who were the prime movers in these disturbances. But his hon. Friend himself had given many instances of murders and outrages perpetrated at noon-day, and in the presence of twenty or thirty persons, and had told the House that such was the system of terror prevailing, that no person could be induced to come forward and give evidence against the murderer. How then would his hon. Friend accomplish his object? His hon. Friend then said that this measure would drive people from combining by night to combining by day, and that its effect would be merely to transplant the evil, not suppress it. He differed entirely from his hon. Friend in this respect. It was one part of this measure that the police force should be increased in the proclaimed districts; and although that force might be powerless in preventing meetings at night, and therefore it was necessary to provide against these combinations by some other means, it was to be hoped that, during the day, such increased police force would have the effect of stopping the source of those outrages which all admitted to exist. The noble Lord (Lord J. Russell) objected to what he called the indiscriminate character of the measure—that is, its confounding the innocent with the guilty. Upon this point he would refer the noble Lord to his own Bill, as a precedent for the course the Government were now taking. The noble Lord had not, however, confined himself to this general objection, but had been kind enough to refer them to a pattern of the legislation he would suggest—and this was the measure known as the "Black Act" in

the reign of George I. The noble Lord considered it better, instead of adopting the Coercion Bill proposed by the Government, to take some such means of distinguishing offenders from innocent persons as were adopted in that Act. Now, in the first place, there was only a small and limited number of the offences which were made penal by reason of that particular character being given to them, to which the noble Lord had adverted; the greater number were independent of any such disguise or other peculiar circumstances as by that Act was necessary to stamp the character of the offence or the offender. And the noble Lord should consider also, that that was a measure of punishment and not of prevention. When persons went about disguised to commit an offence, that circumstance made the offence more atrocious; but in a measure of prevention, to say that no man should be arrested unless there was something about him to show that he was intending to commit a crime, would be to make the Act powerless and nugatory. To be a measure of prevention at all, it must be indiscriminate, otherwise it would give to those who were really offenders the means of eluding its provisions. There appeared to be a general feeling that the statement of his right hon. Friend was not exaggerated. That statement had been confirmed and corroborated by every document which had been laid on the Table. In reading those details, nothing struck one more forcibly than the frightful state of enormity in which particular districts in Ireland were at this moment placed. Persons in the discharge of their lawful public duties, in the quiet pursuit of their private interests, or in the enjoyment of domestic repose and tranquillity, and not aware of having committed any offence against any one, found themselves exposed to the sentence of death, which was only made known to them by its speedy execution. The existence of this frightful state of things was admitted. The Government came to the House and asked for increased powers, in order to put it down; and the reply was, "You ask for that which is unconstitutional." But unconstitutional in what sense? Was it unconstitutional for the Legislature to strengthen the arm of the Executive under such circumstances, to enable them to meet the evil? Was it unconstitutional for it to endeavour to extend to those disturbed districts those blessings which could only be enjoyed under a state of tranquillity and safety? He admitted that this Bill would impose some restraint upon liberty; but did not all laws, more or less, restrain the natural liberty of man? Was it any answer to the appeal of the Executive to Parliament for increased powers to say, "You seek to impose a restraint upon liberty," as if liberty, in the proper sense of the word, could exist in those districts to which alone this measure would apply? For what was liberty, after all? There was no freedom of action in the disturbed districts of Ireland. No man could act upon his own view, either of his public duty or his private interest. In the counties where these outrages prevailed, nothing that could be properly termed liberty now existed, and under the system of terror which prevailed, all freedom of action was withdrawn. But then it was said, the measure would confound the innocent with the guilty. This appeared to him to be a confusion of ideas. He could understand when an offence had been committed by a few persons, and for the purpose of punishing them the country was laid under an interdict—he could understand that in such case the innocent might be involved with the guilty. But this measure was preventive and precautionary—not for punishment. It was to keep men innocent, or at all events to prevent their guilty intentions breaking out into guilty acts. And though it might occasion some inconvenience in the districts proclaimed, he could not believe that the orderly and well-disposed would object to a measure calculated to ensure tranquillity and protect their property, and their existence. There was another objection to the provisions of this Bill, which the hon. and learned Member for Cork urged in his very temperate speech. That objection was, the giving power to the Lord Lieutenant to tax at his pleasure the whole of the inhabitants of a disturbed district, and so to make persons who were orderly and well-disposed, pay for the acts of those of a different character. Now, the hon. and learned Member had himself admitted that he was aware that was a principle which had pervaded our law from the earliest period. The hon. and learned Member said, he admitted that during the earliest times persons of small districts were rendered answerable for the good behaviour of all within that district. He would not confine the observation to that remote period, but would carry the House through later periods of legislation, and would show that, so far from this proposition being a vio-

lation of principle at all, it was in strict accordance with principles which had prevailed, and had been acted upon from the earliest period of English legislation down to the present time. In the reigns of Edward I. and Edward III., the inhabitants of the hundred were made answerable for every robbery committed in their district; and they were bound either to produce the malefactor himself or pay the value of the stolen goods to the person who had been robbed. This Act was continued through the reign of Elizabeth in the Statute of Hue and Cry, by which if an offender escaped it was provided, that if the inhabitants of a neighbouring hundred did not commence a fresh pursuit, they were to be liable to pay the moiety of the value of the property stolen. Again, in the very Act referred to by the noble Lord the Member for the city of London, as one which might be taken as a pattern for legislation upon this subject—in the Black Act which was introduced in consequence of the prevalence of particular offences, there was a similar provision for indemnifying sufferers from offences, by laying the burden of indemnification upon the hundred. In 1827 and 1828 the same principle also prevailed; and it must not be supposed that these laws had remained upon the Statute-book a mere dead letter, for, very recently indeed, it might be in the recollection of the House, that a noble Duke had recovered from the hundred a large sum for the destruction of Nottingham Castle; and, even in the course of last year, when a person who had been acquitted of a serious charge against the opinion of the people of the neighbourhood where he resided, whose exasperation burst out into outrage against his property, he was enabled to recover full satisfaction and indemnification from the hundred for the loss that he had sustained. He thought it important that he should, in replying to the objection of the hon. and learned Member, show to the House that the Government were not proposing any new principle applicable to Ireland only, but that it was a principle which had been adopted and carried out in England from the earliest period. Surely there was no material difference between a tax for prevention, and a penalty for neglect, except that the former was rather the milder of the two. Now, it had been objected by some hon. Members opposite that this measure operated as a stigma upon their country. He was sure his right hon. Friend, in introducing the Bill, took very great care to distinguish between the disturbed and the peaceable parts of Ireland; and he directed attention only to ten counties, but more particularly to five of those ten. He also guarded himself as much as he possibly could against its being supposed that he was casting any imputation upon the general character of the people of Ireland. They all knew, however, how often an unfair mode of reasoning was adopted, and how prone they all were from particular to jump to general conclusions. He would ask hon. Members connected with Ireland whether, if those outrages which had been described were permitted to continue, there would not be some apprehension of that mode of reasoning being adopted, which would have the effect of casting that stigma upon their country which they so much deprecated at present? He, therefore, entreated them to join with the Government in supporting the measure which he firmly believed would have the effect of repressing those outrages. He called upon them to assist the Government in removing this foul blot from the fair face of their country. But the main objection which remained to be noticed was one made by most hon. Members who had addressed the House against the Bill: they objected to the introduction of this measure of coercion alone, and urged that it ought to be accompanied with remedial measures. He begged to remind those hon. Members that remedial measures had been introduced by the Government; and although those measures had not had all the beneficial effects which might have been anticipated, nor had been followed by all the gratitude that might have been expected, they were still an earnest of the good feelings of the Government towards Ireland. It was, however, clear that, with regard to any remedial measures which might be proposed, their operation and effect must be slow and gradual; but could any blessing be enjoyed whilst life was insecure? Here was an evil urgent and imminent; and if the Government were to introduce any of the measures which had been contemplated, how, he would ask, could they be enjoyed by those who were daily eating their meals in fear, with the blade of death hanging over their heads by a single thread? The Government had, with extreme reluctance, introduced this measure for the suppression of outrages, which were admitted

on all hands to exist to an alarming extent; for it was impossible for them to sit with their arms folded, and allow the present state of things to exist, without endeavouring to interpose a check. The House must recollect there was a most serious responsibility upon the Government, and they found it was absolutely necessary to introduce such a measure as the present, because they were not of the same opinion as many hon. Members who had addressed the House, that all former Coercion Bills which had been passed were inefficacious. They could hardly believe that any Government, or that successive Governments, would feel a pleasure in introducing such measures of severity, unless they had proved to have been attended with a beneficial effect. The hon. and learned Member for Cork had himself admitted that Bills of this description had produced a temporary lull: what was that but admitting that for a time they had been efficacious in suppressing outrages? The conclusion then naturally was this (although it was one which he should be reluctant to draw), that it was necessary in order to the permanent suppression of crime, that the Coercion Bill should be made permanent. The measure had been proposed after the most careful deliberation, with every good and kind feeling towards Ireland. It was impossible to anticipate what might be the success of any measure; but he must again say it had been proposed with the feelings he had described, under the sense of a serious and deep responsibility of the duty which, as a Government, they were called upon to perform; and he trusted it would have the effect of producing that tranquillity in Ireland without which it was impossible to expect prosperity; and that it would prepare the soil for those seeds of happiness which the Government were prepared to scatter over the land with a liberal spirit, and which he hoped would grow to vigour and maturity.

MR. GRATTAN would state to the House that he and those who acted with him were as anxious to put down those outrages and to suppress that spirit of insubordination which prevailed in certain parts of Ireland, as were the hon. Members who had addressed the House on the Ministerial side. No country should be allowed to get on which tolerated such crime; and if it were permitted to continue it would drive every landlord out of Ireland. The hon. and learned Gentleman the Attorney General had inquired, were they to fold their arms and remain passive, while such a state of things continued? But he complained that the Government had remained too long with "folded arms," as for six months they were in possession of the facts connected with three-fourths of all the outrages that had now been advanced as the reason why that measure was required, without saying one word against them. On the 9th of August last, the Government had a statement before them of three-fourths of all the outrages that had now been mentioned to the House, and they remained with folded arms; and not satisfied with that, they had actually, in a Speech from the Throne at that time, told the hon. Members of that House that, on returning to their several counties, they would find nothing but loyalty and contentment. He would read for them the exact words; they were as follows:—

> "I feel assured that you will promote and confirm, by your influence and example, that spirit of loyalty and contentment which you will find generally prevalent throughout the country."

The Government had thus deceived the Members of that House. With the knowledge of three-fourths of all these outrages, they remained passive; but when they got the additional fourth, their energies rose to blood heat. He could tell the House how it was that these disturbances had increased: it was because they had not compelled the landlords of Ireland to do their duty. He knew three counties in Ireland better than the others, and he would tell them something of them. He would mention a circumstance connected with Longford: a number of armed men from an adjoining county entered Longford, and attacked several houses at night in search of arms: did the landlords remain passive? No; a few of them got together, put themselves at the head of some of their tenantry, and drove those disturbers of the public peace out of the country back into Leitrim, and from that time to the present they had not been troubled with another act of disturbance: that, he said, was the proper manner for landlords to suppress outrages. But there was another reason why they had no disturbances in Longford, and that was because they had no ejectments of tenantry there. He wished to make an observation or two in reference to a matter in which his hon. Friend the Member for Limerick (Mr. S. O'Brien) was concerned, and he regretted that he did not see the hon. Members; the

free-trade advocates in their places, as he considered that they had treated the Irish Members badly. The Members for Ireland had been charged with interfering with the Corn Bill; in fact, they had been charged with interfering to prevent its further progress—a charge which he totally denied. His hon. Friend (Mr. Smith O'Brien) had been charged with entering into a compact with the noble Lord the Member for Lynn, because he made a proposition that had been originally started at a meeting held in Dublin, in October last, when the Duke of Leinster occupied the chair. At that meeting a memorial had been adopted, which was presented to the Lord Lieutenant, in which three things were asked from the Government. First, that they would permit the temporary importation of foreign corn; second, that they would not permit the exportation of Irish grain; and third, that they would put a stop to all distillation for the time being. In the same month (October) a Cabinet Council was held, and then the right hon. Baronet at the head of the Government stated, that he was prepared to undertake the responsibility of opening the ports. On the 4th of November another Cabinet Council was held, when the right hon. Baronet stated that his position was changed; but he did not state that his mind or sentiments were changed on the subject of the Corn Laws; therefore, he (Mr. Grattan) wished to say that he considered, under the circumstances he had mentioned, it was most unfair to bring such a charge against Irish Members, on account of his hon. Friend having made a proposition of the nature he had stated. He begged to say that the Bill was not brought in by Irish Members; but they found it there, and deemed it their duty, and still deemed it their duty, to offer opposition to its further progress. He was quite willing to render every assistance in his power to put an end to the disturbances in Ireland without resorting to the strong measures contained in that Bill—he considered that its provisions would prove wholly inoperative. The House should know that an Irish sheriff was a fine gentleman, who sat at home at his fireside, and did not do any thing in discharge of the duties of the office—the acting sheriff was generally an attorney, with a quill behind his ear, an ejectment in one pocket, and a bill of costs in another; and that was the sort of person they had to perform all the duties. Then the magistrates of Ireland, although they were so numerous, were nearly useless; for if they only exerted themselves as they ought in their respective districts, they could put an end to the disturbances. Would the House believe that in one county alone there were no less than 174 magistrates, and thirty-two deputy-lieutenants? And ought not these persons to be willing to travel about from five o'clock in the morning until six at night, to save their own characters and preserve the public peace? The First Minister of the Crown had gone back to the state of Ireland in 1837; but what was then the condition of Ireland? He held in his hand a letter written by Lord Donoughmore to the late Mr. Grattan—and here he would deny the assertion made by Lord Monteagle, that the Insurrection Act and the Arms Act of 1807, were more stringent than the present Bill. Lord Donoughmore said, that to possess themselves of arms was the first object of the disturbers of the peace. To prevent the intrusion of labourers from distant places, and to prevent the letting of land to any but the old tenants, were the whole objects of the confederacy. In the prosecution of their system of terror, great violence was offered to persons and property. Men were mangled (said the noble Lord), but the offenders escaped, except in those instances where spies earned a miserable subsistence by bringing offenders to justice. This description was true of the present period; for spies and informers were misleading the Government now. Lord Donoughmore went on to say, that "he had acted in every capacity but that of hangman." That noble Lord was not above the discharge of his duty. He did not ask for the Arms Bill, but sat in ditches at night to apprehend offenders. But he was uninjured by the peasantry, for he was a kind landlord; and such men were in no danger in Ireland. Colonel Chabot and his lady lived at Thomastown in a house without a shutter, without the least apprehension; but he did not let his land at 8*l.* 8*s.* per acre, and give his labourers 9*d.* or 10*d.* per day. The Government Bill calling them assassins and murderers was a falsehood. The Irish were not a nation of murderers and assassins. There were only five counties disturbed; these contained a great number of baronies, but only a small portion of them was disturbed. There were only 5 counties out of 32, and only 15 baronies out of 219, in which the present Bill could pos-

sibly be alleged to be necessary. Send out horses, scour the country, hang those that talked of fear. The present Bill would make the people of Ireland all women, and would indeed change the national character. Did the reports of Committees and Commissioners recommend the present Bill? No; not one witness examined before Lord Devon's Commission recommended such a Bill. Serjeant Howley, at the quarter-sessions of the town of Tipperary, on the 21st of April last, said—

"I do believe that a large amount of the present violence and outrage is traceable to the low condition of the people. Their employment is precarious and uncertain; their food is the lowest in the scale of nutriment; they are ill-clothed; their houses are scarcely worthy of the name, and, such being the condition of the people, how can you expect them to be orderly and tranquil? The lowest animals are restless and unquiet when suffering under physical privation, and man is not exempt from this law. No civilization will hold him in restraint under such circumstances."

He (Mr. Grattan) wished Mr. Serjeant Howley was Prime Minister of State, and as there would soon be a vacancy, and the right hon. Baronet's recommendation had been asked for, he hoped he would recommend Serjeant Howley as a fit successor. The evidence of the witnesses examined before Lord Devon's Commission all went to prove that the present Bill would produce no better results than at present existed—that if the peasantry were employed, they would not be disturbers, but tranquil and content. The public money voted by the Government was being very tardily made available for the relief of the present distress; and in the meanwhile numbers of evictions were taking place, and the people were wandering about without homes to go to. Government was making the lives of the resident gentry intolerable. It had removed the pride of their Parliament, had driven away the resident landlords and their manufactures, and had in short eviscerated, gutted, and dismembered the country. So far from there having been an increase of crime in Ireland, there had been within the last six or seven years a decrease of 10,000 in the number of crimes committed in that country. The right hon. Baronet (Sir J. Graham) had painted the state of the country in colours so gloomy and horrible, that he must be called the Salvator Rosa of the Treasury bench, except that his pictures had all the horror of that great painter without any of his grandeur. Let not the sword hang over his peaceable county and his peaceable tenantry because his neighbour might happen to be an absentee landlord, who would not do his duty. He could not help remarking, that the miscellaneous offences were put down in a fine lump; but even these had decreased from 6,199 in 1844 to 4,769 in 1845. He entreated hon. Members not to vote against their own Papers, and to hold the sword over his innocent country, because some noble Lord, who did not manage his property as he ought, requested them to do so. He should be unworthy of a seat in that House if he did not entreat them not to act on the misinformation which had been palmed off upon them. Let them only look at the number of bills ignored in Ireland of late years. In one year there were no less than 3,538 bills ignored by grand juries, and 2,098, in which there was no prosecution. Could that have happened in England? ["Hear, hear!"] Why, taking the ignored bills and the no prosecutions, there were, in 1844, no less than 5,638 persons, and, in 1845, no less than 4,569 persons, unjustly charged and committed in Ireland! And, yet with such a fact as this before them, the Government were asking for this curfew law upon the strength of returns showing the number of individuals accused by the police. The fact was that they were misled, misinformed, and misguided. Party feeling and personal malice were mixed up with the movements of the authorities in every barony in Ireland. They gave false reports to the authorities at Dublin, and the authorities in Dublin misguided the Ministers of the Crown in England. Why, what a dreadful state of things was disclosed by the very documents on which they sought to pass this Bill? Spies and informers had been alluded to, and they had heard of 1,400 threatening notices having been served in a single district. How many of those were written by the police? He had some statements before him disclosing the iniquity of the system which the police put into operation. In one case a policeman's wife had obtained a reward of 10*l.* for giving evidence against a man who was convicted of sending a threatening notice. As soon as this reward was paid, numerous other threatening notices were sent, and other rewards of course were offered. It happened that there was a quarrel among the police about their wives. Only a certain number of the dear creatures were allowed at one time in the barracks, and the consequence was a quarrel as to who should have the right of entry. An investigation en-

sued, and in the course of the investigation it came out that the police themselves had sent the threatening notices! And yet it was because notices of this sort had been sent, that they were asked to pass this Bill into a law! He would give them another case. In the county Longford a policeman arrested a man with a ribbon document in his pocket. It happened that at the time he was arrested a Mrs. Gouldsberry was present. Mrs. Gouldsberry came forward at the trial. Luckily she was of the right faith. The Protestant jury and Protestant magistrates believed her. And what did she depose? Why that she saw the policeman put the document in the prisoner's pocket! The prisoner was discharged, but not until after a tedious imprisonment. Yet these were the sort of spies with which the country was covered, and these were the wretches whom this Bill was meant to foster and increase. He held the documents relating to these cases in his hands, and the right hon. Baronet might inspect them if he pleased. He would quote four or five other cases of a similar nature, but he would not weary the House. By and by the Irish gentleman would be obliged to tap the tapestry of their room before they sat down to dinner, lest there should be a spy or informer concealed there. In his own county of Meath, a man was taken up for the murder of Tinney, and was sent to gaol; and whilst there the spy and informer was transported. In another place, an officer of the Government, Inspector Flint, had declared that a police-constable was said to be going through England as an excuse for his absence, when he was swearing in Ribandmen. In Clare, a man was arrested for having a cartridge of gunpowder in his house; he was committed. The evidence against him was a policeman and a soldier of the 25th Regiment. The policeman swore to the finding of the powder, and so did the soldier who accompanied him; but the latter, upon his cross-examination, admitted that he saw the policeman clandestinely throw the cartridge of powder into the poor man's house through the window. These crimes, then, appeared to be more numerous than they really were. A session had just been held at Kells, at which there were eighty cases, but all were discharged except three, who had been found guilty of stealing potatoes the week before the last. One process-server, who was a notorious Orangeman, was arrested and committed to gaol for instigating another man to join in a conspiracy to murder John O'Reilly. That was the way in which these crimes were brought about; they were done under and with the knowledge of the police. He would pass over the Adare case; but let them not forget the case of policemen Parker, Ogle, and Brophy, in Tyrone. It was proved, that entertaining some enmity against a poor woman, these three fellows hid firearms in her haystack, and then made arrests on the charge; but the plot was discovered, and the fellows were dismissed. He would turn to another case, that of a poor man named Macloughlin, whom a fellow named Brophy attempted to ruin. White's evidence was—

> "I met Brophy, and he said, 'Can you get up a case for me against Macloughlin? Oh (said Brophy), if you can get a Ribbon document so as to connect him with the Ribbon party, it will be just as good. If you do the business well, I have done so much that I will be able to get a good pension for you from Government.'"

This document was written, and after the signature what (said the hon. Member) were the words appended to it? "By the authority of the Rev. A. S.;" a Roman Catholic clergyman in the district, whom these villains wished to implicate. The document, as concerted, was put into the pocket of the unsuspecting Macloughlin at a card party, and he was arrested and committed on the charge. The late Lord Cloncurry related a case in a letter lately published in the newspapers, from which it appeared that upon one of those trumped-up charges, an honest poor man, named Kenny, was committed by the magistrates. The case upon which he was committed was of a flimsy nature—so much so, that when laid before Lord Wellesley (then Lord Lieutenant), he said the committal was contrary to law, and ordered the magistrates to reconsider their decision; but the reply the magistrates made was—"In these times we must all agree," and refused to alter their decision; but Lord and Lady Ponsonby, feeling the injustice of the case, went to the Castle, and obtained by favour that which was denied to justice, the poor man's discharge. If they were to endure such a law, they had better go back to a primitive state, and let the strongest prevail. This Bill was most impolitic—it took away their character, and deprived them of all courage. His countrymen revolted at the idea of being called assassins; yet the right hon. Baronet had placarded them as such throughout the country, and had so published them in every quarter of

the globe. It had been attempted to coax and cajole them into consenting to this Bill: one party had called upon them to vote for it, not to stop the Corn Bill; and the hon. Member for Pontefract had described it only as a measure of police. That hon. Member belonged, he believed, to the New England party; but he very much preferred the party of Old England, and the constitutional doctrines of Old England, to any New England coercion. Reference had been made to the Act of 1764; but Mr. Young had declared that Act to be only fit for such a State as Barbary. The right hon. Baronet the other night gave wholesome advice to Irish country Gentlemen, when he told them not to be always running to the Executive, but to go home and mix more with their tenants. He expatiated on the inhumanity of turning them adrift upon the world without a shelter or a refuge; and in using that language he was only discharging a debt, and paying a deserved tribute to the memory of a departed friend; for he only recorded in language more beautiful, perhaps, but not more expressive, the sentiment that "property had its duties as well as its rights." The right hon. Baronet had taken the garland from the brow of his departed friend; and he hoped he might wear it long. What was the condition of Ireland with respect to absentees? He would suppress the names; but in one county there was 30,000*l.* taken away without a resident landlord; in another, 80,000*l.*; in another, 25,000*l.*; in another, 13,000*l.*; in another, 6,000*l.*, belonging to a noble Duke; and when he asked the agent for a subscription, he was asked, in return, whether there were any Roman Catholics to be relieved, because, if there were, he would not subscribe. Why, when such a state of things prevailed, how could tenants be happy, or landlords secure? The hon. Member then touched upon the State Trials, saying they left a very deep, and by no means grateful feeling in the minds of the peasantry. Placards were frequently to be seen in the cottages of the peasantry, containing these words, "Shaw, who stole the jury list?" but whether they meant that as a fact, or as interrogatory, he could not say. The history of their country showed the folly of oppression. They tried to serve America as they now tried to coerce Ireland, and what was the consequence? Those armies which were sent over were captured; 150 millions were added to the debt; and then those armies returned to England to read lessons to mankind of the folly and the insolence of Great Britain. It was true that Ireland had formerly obtained her independence; but she was approached by men who advanced with a bribe in one hand, with a penal code in the other, and with the cat and triangles behind their back; and this way they goaded the people into rebellion. They now had a Ministry who doled out alms to them with one hand, and with the other attempted to impose upon them penalties, under the guise of protection. It was true this country had become a great and powerful country; but it was by the aid and assistance of the very men whom they had the cruelty and hardheartedness to brand as murderers and assassins, which, from his soul, he denied. He trusted they would learn a lesson from heathen practice. When a Roman general achieved a triumph, it was the custom to place beside him, in the chariot, a slave, to remind him that victory and glory were mutable things. England was enjoying her triumph; but Ireland was that slave; she was the spectre that was at once the founder and the victim of her glories; she was now at the bar of England, and awaited her adjudication.

Mr. W. R. COLLETT said, unhappily he knew from experience that the infusion of capital did not always prevent riot and disturbance in Ireland. He had expended large sums of money in slate quarrying in Tipperary, and had afforded employment to a great number of persons; but many crimes of a very serious nature had been committed in the district. In one case, a man of high character, who had been steward for sixteen years, was shot at and missed. He might mention that this individual was a Roman Catholic, and he did so to show that these outrages had no connexion with religion or politics. Two or three days afterwards this steward was again shot at and wounded in the side and back; he was confined to his bed for six months; his assailant was captured, tried convicted, and sentenced to death. While this unfortunate steward was suffering from his wounds, his wife was met at the door of the chapel by a man, who said to her, "You need not trouble yourself about your husband's recovery; we have subscribed the money for his death, and he's a dead man." He believed that this Bill would be of essential service, and every person in the neighbourhood considered that this was just the kind of measure required to insure the tranquillity of the country. He had

recently received a letter stating that in the same district informations had been sworn against no less than thirty-five men for conspiracies to murder. He believed that one great means of tranquillizing Ireland would be the extermination of a lawless band of assassins which existed in that part of the country. These men were known to the police; and if they were exterminated, the prosperity of Ireland, which had been progressively increasing for the last eight years, would be greatly promoted. He considered that the magistrates or the police ought to have efficient power to exterminate these marauding bands of assassins. He had been told that for one bottle of whisky men could be procured in Ireland to shoot him at any time. ["Oh!"] He could only say that the hon. Member who dissented knew the magistrate who had given him this information. He did not believe that the provisions of this Bill, which required the inhabitants of disturbed districts to remain within their houses after sunset, would be any hardship upon the honest and industrious part of the population. He considered that permanent tranquillity could not be restored in Ireland till all agitation was repressed. He wished to state to the House, that although during the last five years more than 10,000*l.* per annum had been expended in wages for the improvement of these slate quarries, and he had done all in his power to ameliorate the condition and promote the comfort of his tenants and workmen, at great pecuniary loss, the most atrocious crimes were still perpetrated in the district; and he believed it was only by the firm and energetic interference of Government for the protection of life and property, that these outrages could be prevented. He considered that the abolition of the system of middlemen, and the promotion of extensive railway communication, would go far to tranquillize Ireland. He had watched most narrowly the conduct of the Government towards that country, and he must say he thought the policy they had adopted had been most statesmanlike. He considered that the course they pursued throughout the State Trials entitled them to the greatest respect. He would conclude with a quotation which he might apply to Her Majesty's Government:—

"Though deep, yet clear; though gentle, yet not dull;
"Strong without rage;——"

and I don't (said the hon. Gentleman) allude to the vacancies in the Cabinet when I add—

——"without o'erflowing, full."

Mr. SHARMAN CRAWFORD felt desirous briefly to state the reasons which would influence him in voting as he should; and he would follow the propositions of the Amendment before the House, which alleged, first, that the system of outrage in Ireland would be aggravated, not removed, by this Bill; and, secondly, that it was the duty of Parliament to adopt measures to eradicate the causes of these crimes, instead of laws like this. It was not his intention to deny the existence, or the extent, or the enormity of crime in some parts of Ireland: life and property in those districts were insecure; but this Bill would not repress it. Measures for the improvement of the condition of the people should have preceded measures of punishment, or at least should have been announced by the Government. This Bill would not remove starvation, or the want of employment and wages—the causes of murmurs and outrages. As for the notion of reading the Bill a first time in order to show respect to the House of Lords, he did not know when any Bills for the amelioration of the condition of the people had come from the House of Lords. No doubt, there was a complete disorganization of the social condition of the people in many parts of Ireland; they had no confidence in the higher orders of proprietors, but were completely estranged from them, and associated together to redress their own grievances. But this had arisen from a long course of misgovernment. The measures passed had been for the benefit of the upper class, not for that of the mass of the people. Such was Catholic Emancipation itself, with the disfranchisement of the 40*s.* freeholders, and a host of minor measures. The Irish Poor Law, again, was never likely to be satisfactory; allowing no external relief, and giving to the people in that poorer country but a tenth of the sum raised for the same purposes for England. Then there were the clearances, placing the people at the mercy of the landlords; and when men found they were left to starve and die, they would naturally resort to any means to supply their wants or redress their grievances. There was a conversation with a peasant near Cashel, who had been ejected from his farm, reported by the Poor Law Inquiry Commissioners, which would show any one who took the

trouble to refer to it, to what a system of disorder all this had gradually led. There was a time in England when the country was in the same situation as that in which Ireland now was; but the Legislature in the fifteenth century compelled the landlords to subsist the population out of the land. [The hon. Member here read the preamble of several Acts in the reign of Elizabeth, showing the destitute and demoralized condition of the peasantry of this country.] That was the condition of England, as recited in the Statutes passed in the reign of Queen Elizabeth, which led to the passing of the Poor Law, containing a provision that the people should be employed and fed. If the recommendations of the various commissions which had made reports to the House had been attended to, there would have been no necessity for such a law as that now under discussion. He did not blame the Government, he blamed the Legislature more than the Government. He felt that the representatives of Ireland had not given due support and assistance to the Government. The Irish Members should, if the Government did not, have brought forward good Bills. Measures should have been urged upon them by the voice of the country; and the Government should have been aided in the preparation of measures for the benefit of Ireland. With respect to the particular Bill now before the House, its leading principle was to compel the people to remain in their houses from a certain hour. He agreed with those who thought the measure would not effect its object, of keeping people at home; and he did not see how it would prevent murders from being committed. There were laws now in force which were sufficient for the purpose, if put in execution. He had voted against the former Coercion Bill, and divided the House upon it; he might, therefore, vote against this Bill without being charged with inconsistency. He objected to a law which prevented a man from going out of his house. It was worse than the curfew law of England; for it had all its severity, with additions which made it still more barbarous. He should vote for the Amendment of the hon. Member for Cork.

CAPTAIN FITZMAURICE would vote for the Bill, but with reluctance. He agreed with the hon. Member for Lincoln (Mr. Collett) that a large portion of the population in Ireland was completely under the influence of "factions;" and he believed that, if the individuals directing those factions could be seized and imprisoned, a vast deal of good would be done towards securing peace and good order. It was altogether impossible, considering the state of society in that country, that landlords could reside on their property, or, if they did, that they could act in an independent manner. That this was the case he knew from the experience of his brother, Lord Orkney. The family had not been unpopular; they had given no cause of offence; they had done much to improve the condition and to add to the comforts of the people; and his grandfather, it was well known in the neighbourhood, had embarked a very large capital in the linen trade of Ireland, and had for a very long time demanded no rent whatever from his tenants. When Lord Orkney for the first time visited his property in the Queen's County, he resided at the house of his agent; while there the agent was fired at, and afterwards one of the servants was murdered. Lord Orkney had never visited the property which he possessed in the county of Tipperary, without having been threatened. He had done a very great service and shown most extraordinary kindness to one of his tenants on that property; and yet that very man had complained of his treatment, and had said that he would "settle accounts" with his landlord on the first opportunity; and, as the mode of settling accounts in Ireland was a very peculiar one, it could not be wondered at that the settling day was put off by the landlord. Was it therefore, he would ask, possible that a landlord would voluntarily live in Ireland? He (Captain Fitzmaurice) was very willing to admit all that was reported relative to the natural advantages of Ireland. He had visited all the countries of Europe, and he could confidently say that in none of them had he found a finer or a richer soil than that of Ireland. Irishmen were fond of exhorting their countrymen to be "great, glorious, and free," and he most heartily joined in that exhortation; but he would, first of all, recommend a freedom from crime, and that they should seek to be glorious by their industry, instead of wasting their resources in a factious opposition to a Government which wished them well. He had heard it repeatedly stated that the English Members were careless about Ireland. Now, last year many of the English Members perilled their seats by endeavouring to carry out measures for promoting the education of Ireland; and while they were thus pe-

rilling their seats, how very few of the Members from the sister kingdom were in their places to support those educational measures! He trusted they would not hear again of the English Members being indisposed to benefit Ireland. As an individual, he was truly anxious to do all that lay in his power to promote the good of that country.

Mr. E. B. ROCHE said, as had been affirmed before by Irish Members, that it was too true that crime existed in Ireland to too great an extent, and that he deplored its existence equally with those hon. Members who had spoken before him. But his objection was that this Bill would not meet these crimes. He had no doubt that what the hon. and gallant Member who sat down said was quite true; and he had no doubt that the noble Lord, his brother, had the best possible feeling towards Ireland and the human race in general. But he was an absentee, and the better he was in character, the greater injustice it was to Ireland that he was absent. In the course of this discussion, the Irish Members did not confine themselves merely to the impropriety of what he should call the paltry and miserable Coercion Bill, but they brought before the House every grievance under which Ireland laboured. There had arisen in the House, and in the minds of the public out of the House, the conviction that no matter how they may differ as regarded remedies, the condition of Ireland and her people was a blot and a stain on the British character. In his intercourse with hon. Members on both sides, both inside and outside of that House, he found that there had been one universal admission, that, in point of fact, it lay in the people of England and in their representatives in that House to do something to relieve the misery and the destitution of the people of Ireland. He thought that that was a good result, and that it was one which it was well worth their while to spend six weeks in discovering. Everybody admitted that the state of Ireland wanted a remedy, but nobody proposed any particular one. The national party in Ireland said that they were prepared to provide their own remedy; but on the English Government lay the responsibility, if they were disinclined, to carry these remedies into effect. He must say, with all due deference to the right hon. Baronet, that he listened to his speech the other night with a great feeling of despondency for Ireland. He never was so strongly impressed with the notion that he was puzzled with the great difficulty he had to encounter. His first speech was made in vindication of the introduction of the Coercion Bill; but he did not think that either the right hon. Baronet, or any Member who supported him, made out a case for its necessity. The right hon. Gentleman made out, however, from his quotation of figures, a strong case for the national party in Ireland. It was his object to prove that, within the last few years, crime had increased in Ireland, and therefore it was his interest to choose a year which was remarkable for paucity of crime to compare with the year 1845. But what year did he pick out? The year 1843, the year which was called the Repeal year, the year in which a noble Duke in another place said that Ireland belonged to England only by military possession. The national party had the people with them; and no Government could govern a country safely and well unless they had got on their side, and on the side of the law, the majority of the people. The right hon. Baronet opposite had referred to the cases of the Hogans and the O'Heas, as proofs of the necessity for passing a Coercion Bill; but they constituted no grounds for it, inasmuch as the police who guarded the Hogans could not prevent the murder from being committed; and there were now lying in Limerick gaol men charged with the brutal and disgusting attack upon the O'Heas, who, but for a blunder committed by the sheriff of the county, would have been tried for the crime. The national party of Ireland were prepared to tell the right hon. Baronet that he never should pass his Coercion Bill, unless he brought forward, at the same time with it, some measures for remedying the evils which prevailed in their country. The question of who was to govern Ireland was one which could not but suggest itself to him on the present occasion. He hoped the people of England would settle that question out of doors, as they had done another momentous question. He hoped they would not permit Ireland to be governed by coercion any longer. Ireland had been reduced by the oppressions she had endured to the lowest pitch of civilization of any country in Europe. Her grievances had created agitators; and he was not afraid to declare himself one of them, nor did he hesitate to say that he would continue to be an agitator, in a small degree, until the oppressions of Ireland had ceased. Who, he again asked, was in future to govern Ireland? The right hon. Baronet oppo-

site had brought forward his Coercion Bill, as exemplifying his method and system of government. The noble Lord the leader of the Whig party had declared his intention to vote for that Bill. The noble Lord the leader of the protection party, opposite, had signified that he also should bring his supporters to the vote in favour of the measure. The hon. Member for Evesham shook his head in denial of his assertion; but the division would show who voted for it; and the lists of that division should be circulated throughout his country, in order that the Irish people might know who were their foes. There was another question which had been mooted during the present debate, and which he felt it to be his duty not to avoid alluding to. It had been said that an hon. Friend of his, who ought to have been present, but who was in durance vile elsewhere, had entered into a coalition with the noble Lord the Member for Lynn. It was impossible that he could have gone into coalition with men who sanctioned the introduction of coercion into Ireland. The people of England, even, would not believe it possible that the hon. Member for Limerick, and those who acted with him, would do so. But if the noble Lord opposite (Lord G. Bentinck) would undertake to carry out those measures which he had promised for the benefit of Ireland, no doubt he would have the support of the Irish Members. Why had not the right hon. Baronet at the head of the Government brought forward, concurrently with this Coercion Bill, some measure that would relieve the intense misery which he admitted to exist in Ireland? He would ask the right hon. Baronet seriously and solemnly was this misery to go on increasing? and had he no remedy to apply, beyond a stale and plausible piece of advice to the Irish landlords? He wished not to impute motives to the right hon. Baronet; but a man who had taken upon himself the awful responsibility of being Prime Minister of this great Empire, ought to be above this sort of child's play. The landlords of Ireland had refused to listen to advice many years ago; they must be taught their duty in some other way than by tendering to them advice. Was the dreadful work of ejectment to go on? and if it went on, who could answer for the peace, welfare, and good government of Ireland? This advice to the Irish landlords might be all very well for the speech of the president of a provincial agricultural meeting; but it was not the speech which a statesman ought to make in that House. Everybody in the House admitted something was wanted; but nobody had yet said what Ireland really required. She required what any other country required—to be governed by her own people. To keep Ireland, she must be given substantially to the Irish; the government of the country must be given to Irishmen, who alone could understand and feel for their country, and who knew her many defects and wants. The most difficult thing about governing Ireland was the difficulty of knowing her case. Many men born and bred in Ireland, had lived and died without knowing it; and he had never yet met an Englishman, however talented and well-informed upon other matters, who really understood her case. He had met with many who were sincerely anxious (for which he thanked them) to soothe Ireland; but they really did not know how to set about it, and therefore it was of no use. A kind of dismal howl was just now raised by the press on this subject; both Whig and Tory papers were exclaiming—"What on earth is to be done for Ireland?" And, the other day, he had read in a paper of nondescript politics, the *Spectator*, a remark that, notwithstanding the glorious victory we had gained in India, no victory could be achieved in Ireland; the Irish question was the great difficulty. This allusion might have suggested the inquiry, how had the victories in India been achieved? Undoubtedly, by the employment of the native troops. Let the system be tried in Ireland, and by the use of the same means there, a victory as fruitful and as glorious as that on the banks of the Sutlej, and more peaceful more lasting, and tending more to our eternal credit and honour, awaited us on the banks of the Liffey.

CAPTAIN LAYARD felt bound to state the reasons that would induce him to support the Amendment of the hon. and learned Member for Cork. He did not believe that the party below the gangway opposite would give any support to the Irish Members in opposition to this Bill, although he begged to thank the noble Lord the Member for Lynn for saying that the opinions of Irish Members should be attended to in all matters regarding Ireland. If, however, the noble Lord and his Friends voted for the rejection of this Bill on the first reading, they would have some reason to be thankful to them. He thought that the right hon. Baronet at the head of the Government had recently

shown such a disposition towards Ireland, that, if any measures for the good of that country were suggested, no personal feeling or party principles would make him hesitate to adopt them, and that he would act, with regard to them, as he did with respect to the great question of free trade. He believed that the right hon. Gentleman was anxious to bring forward measures for the good of Ireland; but his power was not so great as his will. The right hon. Baronet had now an opportunity of giving employment to a large number of people in Ireland, which he (Captain Layard) hoped the right hon. Gentleman would avail himself of. He alluded to the Irish railways, which were not only important, as affording employment, but also in a commercial and military point of view. If the right hon. Baronet and his Government would lend a portion of the money for five years, on a guarantee of 3½ per cent, he would enable the system to be carried out. He trusted this suggestion would not be neglected. The noble Lord the Member for Lynn, who had been private secretary to Mr. Canning, had said that he had often heard that eminent statesman declare, that the prosperity of the English Government depended upon its Poor Law. There was now an opportunity of obtaining a Poor Law for Ireland. That, he firmly believed, would be the way to settle that country. He called upon the landlords of Ireland to avail themselves of this opportunity. Every man had a right to be maintained on the land on which it had pleased Providence to place him; and if the Irish landlords did not act upon the rules which followed from that principle, he recommended them to look at the Gentlemen below the gangway. Four years ago they were offered a protecting duty of 8*s.*, and they laughed the offer to scorn. If any one would offer them an 8*s.* duty now, they would all of them bow down to that golden idol. ["Question!"] That was the question. The Gentlemen below the gangway had lost a golden opportunity; and he held them up as an example to the landlords of Ireland that they might not do the same. It was absolutely necessary that something should be done to amend the law of landlord and tenant. It was also, in his opinion, most important for Ireland that its waste lands should be brought into cultivation. No one had a right to speak of over-population in that country, until its waste lands were reclaimed. With regard to the Bill itself, he could not support it. With the exception of the hon. and gallant Officer the Member for Donegal, not a single Member had addressed the House who had not found fault with the Bill, even though intending to vote for it. For his own part, he thought it a bad Bill in every respect, and therefore he should give it his decided opposition.

Major BERESFORD would merely state the reasons for his vote, in order that his conduct might not be misinterpreted on a future occasion. Connected as he was in friendship and in blood with those who had been the object of attack, he should certainly vote for the first reading of the Bill, though he considered it inefficient for the purposes intended. The evils which afflicted Ireland were of two kinds—evils of commission, and evils of omission. The evils of commission were the perpetration of murder at noon-day; and the evils of omission arose out of the neglect to punish the crimes committed. He did not think that the Bill would prevent either of these. The object of the Bill was to prevent meetings at night; but the murderer who walked at noon-day, and attacked his victim with deliberate aim, and then walked off, having done the bloody deed, was left unscathed. He could not be brought to trial, or, if brought to trial, from the system of intimidation that prevailed, he could not be convicted; and yet there was no clause in the Bill to bring those offenders to justice. The great omission in the Bill was the want of a stringent clause against the mid-day murderer. From what he had heard in Ireland, and from persons who represented a great body of the Irish people, this was a measure which would cause great irritation in the minds of the people of that country; and what had produced a great effect on his mind with reference to it was this, that irritation would be caused by a measure that did not go to the root of the evils that had produced it. Notwithstanding those views, it was his intention to vote for the measure in the present stage; and he trusted Her Majesty's Government, with the tact which they always exhibited, would correct those parts of the measure that caused irritation to his worthy countrymen opposite, and take some means to strike at the root of crimes which were awful to contemplate. It might be possible, by the introduction of a provision, to change the venue from the localities where the crimes were committed, to the metropolis; or by the introduction of some other

provision in Committee, to make the Bill more stringent, and at the same time to make it less irritating by not insisting upon those clauses that confined the peasant to his peaceful home at night. For the peasant who was peaceful would be as much confined to his home by this Bill, as the peasant who at present went abroad. He did not mean to say that every peasant was peaceful; but he said that this Bill confounded the innocent with the guilty. Having stated thus much, he should not detain the House much longer; but before resuming his seat he should make a remark upon an observation that fell from the hon. Member for Cashel. The hon. Member had said that a clergyman of the Established Church had placed some gunpowder in the house of a peasant, and sent a policeman there to find it. He heard that there was some suspicion of the kind suggested at the time, but he never heard that the allegation had been proved. It was his (Major Beresford's) intention to vote for the first reading of the Bill. He trusted it would be in his power to vote for it in the subsequent stages. He knew there were other persons who coincided with him in the views he had expressed with reference to this Bill.

Colonel RAWDON said: Sir, I rise to address you under feelings of some embarrassment. I beg that the Ministers, whom I have seen, notwithstanding the greatest toil, and still greater care of office, so assiduously attending to this debate, will believe that nothing but an imperative sense of duty would induce me to add to the speeches that have been inflicted upon them. And, Sir, when I see the temper of the House, and know the state of the country, especially of that part of it my own, unhappy Ireland, the House may be assured that I shall not detain it from soon going to a consideration of the Corn Law question. And, Sir, upon this point, in passing, I wish to be permitted to allude to the somewhat remarkable conversation which lately took place between the noble Member for Lynn and an hon. Friend of mine, not in his place, of whose services I am sorry to say his country is deprived. The noble Lord appeared to indulge a hope that, by some cross or manœuvre, the Irish Members might be induced to aid him and his 240 Gentlemen in defeating the proposition of the Government. However shrewd a calculator of chances the noble Lord may be, I think in this case he reckons without his host, and that the hon. Member for Stockport need be under no alarm. For my own part, I can now reflect with pleasure that the very first vote I ever gave was in the last Parliament, in favour of the Motion of the hon. Member for Wolverhampton. I always looked at this question, not only as one of policy and justice—as is now admitted by the Prime Minister—but to some extent as a religious question; that we were endeavouring by human means impiously to frustrate the beneficent designs of Providence. Therefore, Sir, it is not likely that I, at all events, will be found in the noble Lord's ranks; nor do I think that any jockeyship, or party trick in this House, can now prevent the accomplishment of that on which an enlightened and energetic people have resolved. But, although I shall claim your attention but for a short time, I cannot admit that we are to be bound to silence, or that we are to be debarred, if we wish it, from a full exposition of our views upon a measure so important, merely because the Minister has somewhat awkwardly and inopportunely introduced it. Neither, Sir, will I admit that it is just to object to us that we are taking a wrong, though an unusual course, in thus debating the first reading of this Bill. True it is, that when a Bill comes down to us from the Upper House, it is usually read a first time *sub silentio*. But why is this? Is it not because of a Parliamentary fiction that we have the face to say that we have no knowledge of a Bill till it comes to us from our own printing press? Up to that time we were in ignorance—Parliamentary, of course—although it is notorious that from the vigilance and industry of others, we know at breakfast time that which transpires in "another place," and in all the world besides; but, Sir, in this case there is no Parliamentary fiction; a precedent—which I hope will never be departed from—has been properly followed. Daylight has come upon the Bill. Here it is from our own printer, and we cannot now plead even Parliamentary ignorance of it. And now, Sir, that we do legally know this Bill, I think, as guardians of the liberty of the subject, the House of Commons would abdicate an essential function—would be a subservient body indeed, were it from motive of politeness silently to acquiesce even in the first reading of such a Bill, unless the necessity—the overwhelming necessity for it was proved. Sir, I think the Minister has failed to prove this necessity, and moreover

he has failed to prove that the Bill will provide a remedy—will repress the outrage which we so much deplore; and, Sir, I cannot but remember that no less an authority than the learned Recorder of Dublin has told you that the present law had not been yet fairly and efficiently tried. Sir, I admit that a responsibility attends the course of him who obstructs a measure thus brought forward by a responsible Minister. I know that motives will be misconstrued, and imputations ingeniously cast upon him; but hard as these may be to bear, great as may be the responsibility, I shall not shrink from the course which my judgment tells me is the right one. Sir, I say that this Bill is at variance with the spirit of the times, and that it is framed in ignorance of the present temper of Ireland. Be its author a law officer of the Crown, or be he one who has filled the office of Secretary for Ireland, I say he has not mixed with the Irish people—he is unacquainted with their feelings. Sir, I object to this Bill, because I believe that it will create consequences worse than the evil it inadequately attempts to cure; I object to it, because it will not put down noon-day outrage; I object to it, because it will increase the alienation which exists between class and class—because it will poison future social relations, and will leave behind it long enduring traces of soreness and hatred against all concerned in the execution of this law; and which must lead to future discontent, and may possibly induce to future vengeance. Sir, I object also to this Bill, because by bribes and rewards you demoralize a people—you encourage vice thereby when it is your duty to foster virtue. You thus weaken the authority of the law, by casting suspicion upon evidence, and reflect discredit upon Government. And, Sir, while one-half of the rural population and nearly one-third of the civic population—as by your census of 1841—are living in that which is a cabin, consisting but of a single room—that room, perhaps, full of pestilence and wet, and filth, and horror—I say, I cannot vote for a Bill which makes it penal to leave such an abode. The Bill in its operation necessarily makes a distinction between rich and poor—it necessarily punishes innocent, and does not insure the punishment and control of guilty men. This Bill, I am convinced, Sir, will be ineffectual for its professed object; and remember, if you pass it, it will be in defiance of the deliberate opinion of the large majority of the Irish representatives. You will have set at nought their opinion, and violated the principle of representative Government. Sir, ought we not, as legislators, to ask ourselves, why is it that a "Protection of Life" Bill is necessary? In our time we have seen a succession of such measures. May we not then fairly admit that they are failures, and that we ought rather to apply ourselves to the cause which makes these Bills, as you think, necessary? Oh, believe me, Sir, the Irish are not by nature assassins—they are a kind and warm-hearted people, But there is a deep, a wide spread, an overwhelming cause. The poor, depend upon it, like peace and quiet as well as the rich. Comfort is a great pacificator. I think it is the great and wise Sully who tells us—"*La populace ne se soulève jamais par envie d'attaquer, mais par impatience de souffrir.*" Impatience of suffering! there it is! It is this which binds the peasantry of Ireland together in a common cause, which obliges great sacrifices, great risks, which brings desolation to their own hearths, and all this is undertaken with a devotion which in another case would be designated heroism. Let the House listen to the evidence given before the Poor Law Commission on the state of the cabins in Ulster:—

"There are a great many little huts built along the borders of bogs, without chimney or window, scarcely ten feet square. In some of these you may find a number of wretched human beings collected; very often a widow and her orphans living on the bounty of her neighbours." "Nothing can exceed the wretched condition of the commoner description of labourers' cabins; with little or no light but what is admitted by the door, and no air whatever when the door is shut but by the chimney, with the inside of the thatch completely black with smoke, often rotten with age and wet, bending under the frail and mended poles which can scarcely support it, these wretched hovels would not in any other country be considered sufficient to shelter cattle." "Fuel sometimes so scarce they have to burn the straw which forms their beds to boil their potatoes."

A labourer said—

"I have often been obliged to go to bed without my supper for want of fuel to boil it." "About one-third of the population who are of age to attend divine service are prevented by the want of clothes. The wife and girls have one shawl between them, and take it in turns to go to chapel. Many have no cloaks, and borrow when they want to go out; the children, generally, all but naked. The use of shoes and stockings is decreasing every day among the women and children; but the men must have shoes to dig with, though they are generally very bad and old."

Families subsisting on the new crop of potatoes: Commissioners touchingly describe

the case of a family under the above circumstances:—

"A man, his wife, and four young children were subsisting at the rate of one-third of the usual allowance upon their new crop of potatoes, which were not so large as walnuts. The woman looked wretchedly ill; said she had not been well for weeks. When the assistant-commissioner entered the cabin, this woman was sitting on a stool, her head leaning on her hand; her fixed and vacant stare exhibiting every sign of mental and bodily stupor, and her clothes and personal appearance that of complete destitution. Around her, on the floor, sat three children, in rags, half naked. And what with this group, the bare walls of the cabin, and the dirty and neglected state of the land around it, a more complete picture of misery and desolation could hardly be imagined."

This is the evidence of the right rev. Dr. Doyle:—

"What is the state of the lower orders of the people in your diocese?—I can safely state to the Committee that the extent and intensity of their distress is greater than any language can describe; and that I think the lives of many hundreds of them are very often shortened by this great distress."

Describing the state in which some of the peasantry exist, he says:—

"Thus he drags out an existence which it were better were terminated in any way than to be continued in the manner it is."

Impatience of suffering! You cannot judge of what you cannot estimate. How can you estimate the impatience of such suffering as that of the Irish? It has no parallel. How can you judge of it? You are—

> "Reared in comfort's lap,
> Is it for you to measure passion's force,
> Or misery's temptation?"

Sir, I have said that the framer of this Bill is not acquainted with the feeling of the people of Ireland; and as an instance of that deep, and wide-spread, and overwhelming cause to which I have alluded, I trust the House will permit me to refer to a somewhat remarkable conversation a friend of mine lately had with a farmer in the north of Ireland. My friend was arguing upon the injustice to proprietors and the folly of tenant-right, trying to make a distinction between it and compensation for improvement. He admitted the difference, but said—

"We can't act on that. Not one landlord in fifty would give us compensation, but they will give us what they are afraid to refuse, which is tenant-right, and that we will hold in the north. My father and I have spent 500*l.* on our place—don't you think when the lease is out the landlord would laugh at us if we asked for compensation: but he must give us tenant's right." My friend said, "But, if he did not?" "Well, then," said the man, "I suppose I'd shoot him." "You surely don't mean that?" "I do," said the man, "and you would do the same." My friend said something to him about his wife and children. "Well," he said, "I love my wife and children as well as any man; the smallest child in my house can make a fool of me, but I'd go out as cheerful to be hanged, with them standing under the drop, as ever I went to my prayers, for I'd feel I had given my life towards vindicating the cause of God's poor. You quality (he said) can't understand it—there's no law for us in these matters. You landlords have made the laws, and you have made them all for yourselves. The laws are useless to us—we cannot benefit by them—they are made for them, and against us, and there is nothing left to us but to make rules for ourselves—there is nothing left to us but what we can do for ourselves, and I am sure God is with us."

He proceeded to speak of Seery's case, and remarked that Sir F. Hopkins had given him 30*l.* for his thirty acres.

"Thanks to tenant-right (he said), here the very least would have been claimed and got for thirty acres would have been 300*l.*"

Now, Sir, although no extent of injustice or misery inflicted will justify or palliate a deed of blood—God forbid that you should think I seek to do so!—it will account to us for such acts. I adduce this to you as a proof of feeling. If this is an instance of the feeling which actuates an educated and comparatively wealthy man, what must be the feeling of the toiling and miserable portion of the community? Is it safe to disregard it? Will this Bill eradicate it? Will it even soothe it? If it will not, I ask you to read the moderate Amendment of the learned Member for the county Cork. I am sure you cannot gainsay it. I call upon you, then, from motives of sound and conservative policy, rather to record to-night your votes for this Amendment than for an ineffectual Bill of an exasperating and unconstitutional nature. I call upon you to pause before you, the representatives of England, sanction a measure which has furnished a foreign Power an excuse for a similar invasion of liberty, although the foreign Minister can boast that his Bill contains in it nothing so atrocious as the shutting the Portuguese in their houses.

COLONEL SIBTHORP, who spoke amidst many interruptions, was understood to say that he was always anxious to give a reason for the line of conduct which he was about to adopt, especially on a matter of such great importance as the present. The question before the House was, whether they would or would not permit to be read for the first time "a Bill for the better

Preservation of Life and Property in Ireland." He would not oppose the present Motion, but he could not support the Bill. He regretted that the Bill was so wholly inoperative, so weak, and so unlikely to be productive of any useful purpose, that he could not give it his sanction. His great reason for opposing it was, that it seemed to him Her Majesty's Ministers exhibited so much vacillation, and so much cowardice, that he could not put faith in any proposition emanating from such a source. They had heard upon a former occasion of Her Majesty's Government vindicating the majesty of the law; but it had become subsequently known how far they had dared to vindicate the majesty of the law. They, upon the occasion he referred to, imprisoned an hon. and learned Member of that House, and made a show of keeping him in prison; but they considered second thoughts best, and soon released him. Don't let hon. Members tell him that the Prime Mininister was not privy to the release of that hon. and learned Gentleman; but the fact was, he had not the courage to come forward, and say, "I did it;" but he threw it on the Upper House, and said that they had done it. ["Divide!"] Hon. Members might call "Divide!"—but he assured them they would have to wait till he had finished. Ministers were afraid to announce that the liberation of the hon. and learned Member had been of their doing; and they were afraid even now to propose the present Bill until they had made overtures to the hon. and learned Member, and concocted what they were pleased to call an "understanding between parties." It was upon the ground that he had not a particle of confidence in the courage of the present Treasury Bench that he could not sanction measures emanating from such a set of men. He believed the hon. Gentlemen who occupied that bench would truckle to anything that would enable them to keep their seats, or secure their own aggrandizement. If a Bill had been brought in giving ten times greater power, he would have given it his sanction; but he believed the present Bill would do no good to Ireland. In fact, he considered it a mere flash in the pan—emanating from a Government wholly incompetent to effect anything great or useful. The hon. and gallant Gentleman concluded amid loud cries for a division, by repeating that he would not oppose the present Motion, but that he could not support the Bill.

Lord INGESTRE, who also spoke amidst many interruptions said, he could not permit the observations of the hon. Member for Armagh, with respect to a question asked the other night by the noble Lord the Member for Lynn (Lord George Bentinck), to pass unnoticed. That hon. Gentleman had said with a great deal of pomposity, that there had been same collusion between the noble Lord the Member for Lynn, and the Hon. Gentlemen the Member for Limerick (Mr. Smith O'Brien). Now, let them calmly consider what were the circumstances of the case. The hon. Member for Limerick gave notice by letter to the noble Lord the Member for Lynn that it was his intention to ask him a question. He believed that the letter contained the substance of the remarks the hon. Gentleman afterwards made; but the pith of it was whether the noble Lord would support or not a particular Motion were it brought before the House. The noble Lord returned a candid and deliberate reply, and at once stated that he could not on that occasion concur with the hon. Gentleman's request. His present purpose in rising was to deny that any collusion had taken place between those two hon. Members. With respect to the particular question before the House, they had on the one hand a state of crime and destitution unparalleled in any other country—they had the murderer walking abroad in the noon-day—they beheld his person secured and sheltered by parties almost participators in the murder, who refused to afford assistance to arrest him. Could such a state of things be tolerated in any civilized land? He would give his support to the Government measure, were there provisions in the Bill stronger than those that had been introduced. He alluded particularly to the shifting of the venue—a proceeding which he considered almost indispensable, when they bore in mind the intimidation that was exercised towards jurors and witnesses. A clause of this kind, he hoped, would be introduced into the Bill when it came before them in Committee. His noble Friend the Member for Lynn had given the most distinct and explicit answer to the hon. Member for Limerick; and that answer was, that he and the party who held opinions coinciding with his, were prepared to vote for any measure that they really believed would give immediate relief to the people of Ireland. He (Viscount Ingestre) again repeated, on the part of his noble Friend and those

who voted with him, that they were prepared to vote for whatever measure of relief in their opinion might be deemed necessary to alleviate the distress in Ireland ; but in so doing they begged to give expression to their opinion that the measures most requisite for that country were measures for the employment of the people. They believed that the representatives of the people were bound to make grants of public money to employ the poor on national works, and so enable them to procure that food which was daily exported for the use of another country.

LORD G. BENTINCK : Mr. Speaker, that I may be within the forms of the House, I move the adjournment of this debate, in order that I may be enabled—[" No, no!" " Divide !"]

MR. SPEAKER : It is against the rules of the House for any hon. Member who has once spoken, either to move the adjournment of the House, or to speak again upon the same subject.

MR. P. BORTHWICK moved the adjournment of the debate.

SIR J. TYRELL seconded the Motion.

LORD G. BENTINCK again rose, and said : Sir, it has been charged against the agricultural party, whom I feel honoured in serving—[" Oh, oh!" *and* " Hear, hear!"] —that an honourable individual—[" Hear, hear!" *and confusion.*] It has been, I say, Sir, charged against an entire party that they have been guilty of making a foul compact; and it is, Sir, my duty to them, my duty to this House and to the country, to set them right upon the subject, and to put the House in possession of the facts. ["No, no!" " Hear, hear!" *and cheers.*] I am quite sure that the House will bear with me while I do so, and while I declare, which I now most emphatically do, that there has not been a compact of any description between the hon. Gentleman the Member for Limerick and myself. I have sent home for the correspondence, and I hope it will arrive before I sit down. It has been charged against us that we have been concerned in a plot; and the plainest answer to the insinuation, and that which will convince the country in the most satisfactory manner, is to read the correspondence which has taken place between myself and the hon. Member on the subject. It has been stated, Sir, by a Minister of the Crown—it has been deliberately stated by a Cabinet Minister, not, it is true, occupying a seat in this House—but by the Secretary for Ireland on the hustings, that it is a fact that such a compact has been made. Sir, it is an assertion without any foundation. The hon. Member for Limerick addressed a letter to me on Sunday week last, and it appears fortunate that I happened to receive it in the presence of a witness. That witness was one of your own party—an eminent member of the Bar—a Queen's Counsel, and a gentleman whom I hope one day to see a brilliant ornament of this House—I allude to Mr. Martin. The hon. and learned gentleman was present ; and when I received that letter I opened it and read it and read it aloud in his presence, without having first read it to myself. The hon. Member for Limerick asked me the question which he reiterated in this House, and I said I was in no position to answer for those who sat round me, until I should have had an opportunity of consulting them. This I did on Friday; and it was twenty minutes to five that evening before the discussion ended, upon which it was settled what answer I should give, and before five o'clock I was down at this House, and gave the hon. Gentleman the answer which will be in the recollection of the House. And there, Sir, is all the plot and all the compact that has been entered into ; and it is only just to that hon. Gentleman, who is not himself here to state it, to add that in the letter he distinctly stated he had written it to me without any previous concert with any individual of the Irish party. Where, then, is this far-famed alliance, of which you seek to make so much, and which is not only made a handle of here, but which a Cabinet Minister has condescended to make use of, and to describe as a fact, on the hustings at Falkirk ?

MR. BORTHWICK withdrew his Motion for an adjournment, and the House divided on the Question that the words proposed to be left out stand part of the Question :—Ayes 274 : Noes 125 ; Majority 149.

List of the AYES.

Acland, Sir T. D.	Bailey, J., jun.
Acland, T. D.	Baillie, Col.
A'Court, Capt.	Baillie, H. J.
Acton, Col.	Baillie, W.
Ainsworth, P.	Baldwin, B.
Alexander, N.	Balfour, J. M.
Alford, Visct.	Bankes, G.
Antrobus, E.	Barkly, H.
Arbuthnott, hon. H.	Baring, rt. hon. F. T.
Archdall, Capt. M.	Baring, T.
Arkwright, G.	Baring, rt. hon. W. B.
Austen, Col.	Barrington, Visct.
Bagot, hon. W.	Baskerville, T. B. M.

Bateson, T.
Becket, W.
Benbow, J.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, Maj.
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Boyd, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Lord
Brooke, Sir A. B.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Campbell, Sir H.
Cardwell, E.
Carew, W. H. P.
Carnegie, hon. Capt.
Cavendish, hon. G. H.
Chelsea, Visct.
Chichester, Lord J. L.
Cholmondeley, hon. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hon. Sir G.
Collett, W. R.
Compton, H. C.
Conolly, Col.
Coote, Sir C. H.
Copeland, Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Cripps, W.
Damer, hon. Col.
Davis, D. A.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duckworth, Sir J. T. B.
Dugdale, W. S.
Duncannon, Visct.
Duncombe, hon. A.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Egerton, W. T.
Egerton, Sir P.
Emlyn, Visct.
Entwisle, W.
Estcourt, T. G. B.
Fielden, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Forman, T. S.
Fox, C. R.
Fox, S. L.
Frewen, C. H.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Guest, Sir J.
Hall, Col.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir W.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Hope, Sir J.
Hope, A.
Hope, G. W.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Hudson, G.
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kelly, Sir F.
Kemble, H.
Knightly, Sir C.
Labouchere, rt. hon. H.
Lambton, H.
Lascelles, E.
Lascelles, hon. W. S.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lemon, Sir C.
Lindsay, hon. Capt.
Lockhart, W.
Lowther, Sir J. H.
Lyall, G.
Mackenzie, T.
Mackinnon, W. A.
M'Neill, D.
Mahon, Visct.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Morgan, O.
Morpeth, Visct.
Munday, E. M.
Neeld, J.
Neville, R.
Newry, Visct.
Norreys, Lord
Northland, Visct.
Ossulston, Lord
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Powell, Col.
Rashleigh, W.
Reid, Sir J. R.
Reid, Col.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rumbold, C. E.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Rutherfurd, A.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Seymer, H. K.
Seymour, Lord
Seymour, Sir H. B.
Shelburne, Earl of
Shirley, E. J.
Smith, A.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stuart, H.
Sutton, hon. H. M.
Taylor, E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, hon. F. J.
Tollemache, J.
Tomline, G.
Tower, C.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Verner, Col.
Vernon, G. H.
Villiers, Visct.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wellesley, Lord C.
Winnington, Sir T.
Wodehouse, E.
Wood, C.
Wood, Col.
Wood, Col. T.
Worcester, Marq. of
Wortley, hon. J. S.
Wrightson, W. B.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Archbold, R.
Armstrong, Sir A.
Baine, W.
Bannerman, A.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Bellew, R. M.
Berkeley, hon. H. F.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowes, J.
Bowring, Dr.
Bridgeman, H.
Bright, J.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Butler, hon. Col.
Butler, P. S.
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Main question agreed to. Bill read a first time.

POLLING PLACES (IRELAND.)

The Adjourned Debate on the Question, that the Amendments made to the Bill be read a second time, to which an Amendment had been moved that they be put off for six months, was resumed.

MR. M'CARTHY defended it from the objections raised on a former evening by the hon. Member for Dublin, and proceeded to prove the necessity which existed for some such measure, by showing that, in several instances, not more than one-third of the voters of a certain letter could come to the poll. By the Reform Bill it was arranged that there should be a booth for every 600 voters; but at present in Dublin and elsewhere, no less than three times that number were set down for a single booth. He had a vast variety of facts, but at that late hour of the night he would not state them. He must, however, mention, that at the last election 182 persons who tendered their votes for the noble Lord the Member for the West Riding of Yorkshire, in letter M, could not be polled, though they were waiting the whole day; in letter C, 54 were in the same position; and in D there were also a great number who were not able to poll.

MR. GROGAN said, the great evil to be avoided at elections was personation. The polling places in Ireland were kept open for five days; and when the number of names under the initial letters amounted to 600, there must be a separate polling place. [Mr. O'CONNELL: You are wrong; that is what we want.] The practical result of passing the Bill would be, that there might be presented seven or eight certificates. The Bill was a partisan one. It was not till the party who introduced it were beaten at the election in 1841, and beaten on the registry until they were ashamed to show their faces in the registration court, that they thought of preparing this Bill. He should certainly divide the House against the Motion.

SIR W. SOMERVILLE said, the opposition to this Bill was the most extraordinary that he had ever heard of. Because there might be an attempt on the part of some to personate, the *bonâ fide* voter was not to have an opportunity of polling. If personation were practised in Ireland, let them put it down, but not by so arranging the electoral machinery as to render it impossible for the *bonâ fide* voter to exercise the franchise. That was the short answer to the opposition.

MR. PIGOTT, in reply to the observation that this Bill was not introduced until after the election of Dublin, must state that a similar proposal was introduced by his noble Friend behind him and himself before the change took place in the representation of Dublin, the simple object being to give to those whose names began with a particular letter, when they amounted to a greater number than was contemplated in the Reform Bill, an opportunity of recording their votes in an additional polling booth. The provisions were generally the same as those of the Bill he had introduced in 1841; and he affirmed that these provisions would prevent the gross and flagrant abuses which constantly took place in the voting at elections in England. He could state from his own knowledge that at one of the Dublin elections, numbers attended from day to day

who were precluded polling, and that at the close of the election upwards of one hundred were unable to give their votes at one of the booths alone.

The ATTORNEY GENERAL agreed that they ought to afford every opportunity to voters to poll that was consistent with perfect security against fraud. He thought that this Bill did not give such security. Without, therefore, opposing the Bill in its present stage, he thought that they might at a future period advantageously amend it.

MR. O'CONNELL said, that at one of the elections in Dublin, in the letter M booth, the clerks took five minutes to record each vote, precluding the possibility of his polling those who belonged to that booth.

VISCOUNT MORPETH was informed, that had his hon. Friend been able to poll the letter M booth in Dublin, he (Lord Morpeth) might have enjoyed the distinguished honour of representing the Irish metropolis. He adverted to the fact with no personal soreness, being entirely satisfied with the position he now held; but he did think it important that a constituency should not have such impediments thrown in the way of electing a Member of their choice.

Amendment withdrawn. Main Question agreed to.

House adjourned at a Quarter past Two o'clock.

PROTEST.

RAILWAY LEGISLATION.

The following Protest against the New Sessional Orders has been entered by Lord Radnor upon the Journals of the House of Lords :—

"DISSENTIENT.

"1. Because I think it is unseemly, impolitic, and of bad example, that the House should, to meet the supposed emergency of a particular case, alter by *ex post facto* Resolutions its own established regulations, and thus enable certain parties to violate engagements which others had entered into with them on the faith of those regulations.

"2. Because such a proceeding impairs (if it does not totally destroy) the confidence which should be reposed on the regulations of this House.

"3. Because the real purport and ultimate effect of these Resolutions are not to bring about any public or national object, connected with the construction of the proposed railways, but gratuitously to relieve parties (whether companies or private individuals) from engagements which they have wantonly and heedlessly contracted.

"4. Because if it were expedient to put an end to these engagements, the responsibility and onus of taking the necessary steps for that purpose should be left to the parties themselves, and not be undertaken by the House.

"5. Because the House thus goes out of its way to interpose in, and intermeddle with, the affairs of private parties.

"6. Because, in truth, the parties intended thus to be relieved have in many cases incurred their responsibilities without any view to the public good, but merely in the spirit of reckless gambling, for their own private gain, and have, therefore, no claim to so unusual an interposition on their behalf.

"7. Because the House thus holds out an expectation that on future similar occasions it may be induced to afford similar relief; and thus, if it does not directly encourage such a spirit, it does not discourage it, or throw such a stigma on it as according to every principle of sound policy and good morals it is bound to do.

"8. Because this unprecedented and mischievous proceeding appears to me the more uncalled for, even in the view of its supporters, as there is now before the House a Bill which will enable the persons to whom these Resolutions apply to effect the same object directly for themselves, and there is no reason to anticipate that it will not pass into a law."

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*** It has seemed better, instead of incumbering this Index with a reference to Private Bills, upon which debate seldom occurs, to collect them in a Table at the end of the Session, in form similar to the Paper issued by the House of Commons. The date will be a sufficient reference to the Volume.

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